Also, a bill (H. R. 5402) for the relief of George B. Kelly; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 5403) for the relief of Edward Gibbs; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 5404) granting an increase of pension to Ida Alexander; to the Committee on Pensions.

Also, a bill (H. R. 5405) to place the heirs of Wiley L. Downum, deceased, on the rolls as Mississippi Choctaw Indians; to the Committee on Indian Affairs.

By Mr. TINKHAM: A bill (H. R. 5406) granting a pension to Isabella S. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 5407) granting a pension to George C. Peterson; to the Committee on Pensions.

Also, a bill (H. R. 5408) granting a pension to Susan Curley; to the Committee on Pensions.

Also, a bill (H. R. 5409) to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the United States; to the Committee on Claims.

Also (by request), a bill (H. R. 5410) for the relief of Miriam E. Benjamin; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R 5411) granting a pension to Albert C. Spurgeon; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 5412) granting a pension to Harriet Kingsbury; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 5413) granting an increase of pension to Charles H. Ubert; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R 5414) granting an increase of pension to Mack Raney; to the Committee on Pensions.

By Mr. KNUTSON: Resolution (H. Res. 148) to pay Walter C. Neilson $1,200 for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

525. By the SPEAKER (by request): Petition of committee on personnel, Customs Service, Boston, Mass., favoring an increase of salaries being granted to employees of the Customs Service; to the Committee on Ways and Means.

526. Also (by request): Petition of Elyea Co., Atlanta, Ga., urging Congress to take a stand for lower taxes; to the Committee on Ways and Means.

527. By Mr. ABERNETHY: Petition of Mrs. S. H. Scott, president of the Elizabeth Hendren Missionary Society of the Methodist Episcopal Church, South, New Bern, N. C., and Mrs. J. P. C. Davis, chairman social service of the Centenary Methodist Episcopal Church, South, New Bern, N. C., together with resolution favoring amendment to the Constitution to limit or prohibit the labor of persons under the age of 18 years; to the Committee on the Judiciary.

528. By Mr. CRAMTON: Petition of the Huron County Ministerial Association, Bad Axe, Mich., urging the passage of a uniform divorce law; to the Committee on the Judiciary.

529. Also, petition of the Macomb County Sunday School Association, Michigan, urging an amendment to the Constitution to prohibit child labor; to the Committee on Labor.

530. Also, petition of the Bad Axe Woman's Club, Bad Axe, Mich., protesting against the drainage of the Winneshiek bottom lands on the Mississippi; to the Committee on Agriculture.

531. By Mr. DARROW: Petition of 345,516 citizens requesting Congress to pass legislation to cut the cost of government by reducing all nonessential expenses, eliminating all unnecessary employees, and voting against all increases in salaries; to the Committee on Appropriations.

532. By Mr. FULLER: Petitions of Ottawa (Ill.) Chamber of Commerce; R. D. Mills, probate judge; William C. Flick, probate clerk; Harry Reck, county judge; John L. Witzeman, clerk of the circuit court; W. R. Foster, county superintendent of schools; E. J. Welter, sheriff; H. G. Cook, Clarence Griggs, Oscar Harberle, George O. Grover, Charles E. Woodward, and Al F. Schoch, all of Ottawa, Ill., favoring reclassification and increase of salaries of postal employees; to the Committee on the Post Office and Post Roads.

533. Also, petition of Music Industries' Chamber of Commerce, favoring scientific revision of the Federal tax laws; to the Committee on Ways and Means.

534. Also, petition of the Illinois Valley Manufacturers' Club, of La Salle, Ill., favoring repeal of the tax on telegraph messages; to the Committee on Ways and Means.

535. Also, petition of the Ero Manufacturing Co., of Chicago, favoring repeal of the excise tax on automobile accessories; to the Committee on Ways and Means.

536. Also, petition of the national legislative committee of the American Legion, favoring enactment of the adjusted compensation bill; to the Committee on Ways and Means.

537. Also, petitions of the W. D. Allen Manufacturing Co., of Chicago, and sundry other citizens of Illinois, favoring the Mellon plan for reducing Federal taxation; to the Committee on Ways and Means.

538. By Mr. JOHNSON of Washington: Resolution by Laundry Workers' Union, No. 42, Tacoma, Wash., urging fulfillment by the Government of pledges with reference to maintenance of troops at Camp Lewis; to the Committee on Military Affairs.

539. By Mr. SINCLAIR: Petition of Commercial Club of Fargo, N. Dak., in favor of House bill 4159; to the Committee on Agriculture.

540. By Mr. SITES: Resolution of Washington Camp, No. 102, Patriotic Order Sons of America, Steelton, Pa., dated January 8, 1924, requesting the passage of a more stringent immigration law upon expiration of the present law; to the Committee on Immigration and Naturalization.

541. By Mr. TINKHAM: Petition of James C. Shea Post, No. 190, of the American Legion, favoring the passage of legislation granting adjusted compensation to soldiers serving in the World War; to the Committee on Ways and Means.

SENATE.

MONDAY, *January 14, 1924.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name. As we come into Thy presence we want to realize how near Thou canst be to us in the midst of the duties and the anxieties and the problems of life. We therefore pray Thee to give us such a sense of reverence and consciousness of Thy presence that whatever we do we may do it to Thy glory. Grant Thy help in the betterment of society, in the progress of truth and righteousness, and may our land be prospered through Thy benediction. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Thursday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	Lenroot	Simmons
Ashurst	Fernald	Lodge	Smith
Ball	Ferris	McKellar	Smoot
Bayard	Fess	McKinley	Spencer
Borah	Fletcher	McLean	Stanfield
Brandegee	Frazier	McNary	Stanley
Brookhart	George	Mayfield	Stephens
Bruce	Gooding	Neely	Sterling
Bursum	Greene	Norbeck	Swanson
Cameron	Hale	Norris	Trammell
Capper	Harreld	Oddie	Underwood
Colt	Harris	Owen	Wadsworth
Copeland	Harrison	Pepper	Walsh, Mass.
Couzens	Heflin	Phipps	Warren
Cummins	Howell	Ralston	Watson
Curtis	Johnson, Calif.	Reed, Pa.	Weller
Dale	Jones, Wash.	Robinson	Willis
Dial	Keyes	Sheppard	
Dill	Ladd	Shipstead	
Edwards	La Follette	Shortridge	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. There is a quorum present.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The PRESIDENT pro tempore laid before the Senate a communication from the Public Printer, transmitting, pursuant to law, the annual report of the Public Printer for the fiscal year ended June 30, 1923, which was referred to the Committee on Printing.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The PRESIDENT pro tempore laid before the Senate a communication from Hamilton & Hamilton, attorneys and counselors at law, Washington, D. C., transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co., which was referred to the Committee on the District of Columbia.

TRANSPORTATION OF AMERICAN BAR ASSOCIATION TO LONDON.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, in response to Senate Resolution 105, agreed to January 3, 1924, information concerning the attempts of the United States Lines to secure the transportation of the members of the American Bar Association to London, and also to secure the transportation of delegates of the Chamber of Commerce of the United States of America and other organizations in the United States to the second general meeting of the International Chamber of Commerce held in Rome, Italy, during the week of March 17, 1923, which was ordered to lie on the table.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a list of documents and files of papers not needed or useful in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Department. The President pro tempore appointed Mr. CAMERON and Mr. ADAMS members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

ANNUAL REPORT OF ALIEN PROPERTY CUSTODIAN.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian, submitting his annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

INTERNATIONAL STATISTICAL BUREAU AT THE HAGUE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I invite the attention of Congress to the accompanying report of the Secretary of State, concerning legislation that will enable the United States to maintain a membership in the International Statistical Bureau at The Hague.

The Secretary of Commerce attaches much importance to the work of this bureau, and upon United States membership therein. I therefore recommend the enactment of the legislation suggested by the Secretary of State as in the public interest.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

CLAIM OF SAMUEL RICHARDSON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I transmit herewith a report respecting a claim against the United States presented by the British Government for the death on November 1, 1921, at Consuelo, Dominican Republic, of Samuel Richardson, a British subject, as a result of a bullet wound inflicted presumably by a member or members of the United States Marine Corps, with a request that the recommendation of the Acting Secretary of the Navy as indicated therein be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity as suggested by the Acting Secretary of the Navy.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $1,000.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

DEVELOPMENT OF ELECTRIC POWER.

Mr. BROOKHART. Mr. President, I desire to present and have printed in the RECORD an editorial which appeared in the Washington Herald of this morning with reference to cheaper electricity from water power.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

CHEAP ELECTRICITY WITHIN OUR REACH.

Mrs. Jack Cullom lives in an attractive, neat little house in Niagara Falls, Ontario, just across the border from New York State.

In spite of the moderate income of her husband, electricity is there so cheap that she can afford to run an electric range on which she does all her cooking. She has a fan on top of the range. She has an electric washing machine, electric irons, a vacuum cleaner, percolator, toaster, electric-heated hot-water tank, electric bed pad, and some 35 large Mazda lamps lighting her eight-room house.

What do you think her monthly bill amounts to? She uses on the average 334 kilowatt hours. Her bill amounts to $3.55 a month, or $42.60 a year.

Mrs. Cullom is a handsome woman, vigorous, evidently not overworked. The house is immaculate. If you ask her whether she keeps a hired girl, she contemptuously replies, "I do not. A woman with my electric equipment who keeps a hired girl I think is lazy."

Mrs. Cullom gets her current cheap because she buys it from a municipal distributing plant, which buys it from the State-owned Ontario Hydroelectric Commission. The city and the State systems supply electricity at cost, without profit.

In the District of Columbia Mrs. Cullom for her 334 kilowatt hours would pay monthly, at the present rate of the Potomac Electric Co. of 10 cents a kilowatt hour, $33.40 instead of $3.55. Over the course of a year in Washington she would pay $400.80, instead of $42.60 as in the Ontario town.

When the people of the District of Columbia once get into their heads the story of Mrs. Cullom and thousands of other housewives, they will understand why it is imperative that Congress should act favorably on the proposal to harness Great Falls and give us cheap Government-made electricity without profit, just like our Canadian neighbors.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a petition of members of the Special Philippine Mission praying the enactment of legislation granting independence to the people of the Philippine Islands, which was referred to the Committee on Territories and Insular Possessions.

Mr. GREENE presented a petition of employees of the Stasco Milling Co., of Poultney, Vt., praying for adoption of the so-called Mellon plan of tax reduction and remonstrating against the enactment of any legislation which would interfere with the carrying out of such tax-reduction program, which was referred to the Committee on Finance.

Mr. WILLIS presented a memorial of the division of immigrant education and service of the Ohio Welfare Conference meeting in Lima, Ohio, remonstrating against the passage of House bill 10860, containing a section relative to the annual registration of aliens with an annual $5 registration fee, which was referred to the Committee on Immigration.

He also presented a resolution adopted at a meeting of Leland M. Barnett Post, No. 123, American Legion, of Norwood, Ohio, favoring the enactment of legislation providing adjusted compensation for ex-service men, which was referred to the Committee on Finance.

He also presented the memorial of Frank D. Adams and 5 other ex-service men of Cleveland, Ohio, remonstrating against the enactment of legislation providing adjusted compensation for ex-service men and praying for the adoption of the so-called Mellon tax-reduction plan, which was referred to the Committee on Finance.

He also presented a resolution of the Bond Club, of Columbus, Ohio, protesting against the enactment of legislation granting adjusted compensation to ex-service men and favoring the adoption of the so-called Mellon tax-reduction plan, which was referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of Ironton, and the Rotary Clubs of Bucyrus and Xenia, all in the State of Ohio, favoring the adoption of the so-called Mellon tax-reduction plan, which were referred to the Committee on Finance.

Mr. BURSUM. I present various petitions numerously signed by citizens of Fort Worth and Dallas, Tex., urging the passage of the bonus bill. I ask that one of the petitions be printed in the RECORD and that all the petitions be appropriately referred.

The PRESIDENT pro tempore. Is there objection? There being no objection, one of the petitions will be printed in the RECORD as requested and all the petitions will be referred to the Committee on Finance.

The body of one of the petitions is as follows:

EX-SERVICE MEN'S COMPENSATION OR BONUS PETITION—THE VETERANS' VOICE.

We, the undersigned, supporting the Veterans' Voice, respectfully petition our Congress to pass the fourfold compensation bill now before the public, known as the Bursum bill. We are sincere in our belief that the Bursum bill will furnish adjusted compensation for the former service man without affecting our resources and without increasing our taxes.

Mr. CAPPER presented a resolution adopted by the congregation of the Oberlin (Kans.) Federated Church, favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry rural letter carriers of Geary, Ness, Pottawatomie, Cowley, Sherman, Pawnee, Morton, Hamilton, Chautauqua, Jackson, Stevens, Lane, Clark, Douglas, Grant, Seward, Hodgeman, Chase, Lincoln, Scott, Wallace, Atchison, Morris, Smith, and Franklin Counties and of the Kansas Rural Letter Carriers' Association, all in the State of Kansas, praying for the enactment of legislation providing a rural letter carriers' equipment allowance, which were referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented the petition of H. L. Chaffee and 29 other citizens of Amenia, N. Dak., praying for the passage of the so-called Coulter bill, providing a $50,000,000 revolving loan to the livestock industry, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the North Dakota Hotel and Restaurant Men's Association at Grand Forks, and of the Commercial Club, of Fargo, both in the State of North Dakota, favoring passage of the so-called Coulter bill, providing a $50,000,000 revolving loan to the livestock industry, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at the annual convention of the National Association of Railway & Utilities Commissioners, favoring the passage of legislation amending the Interstate Commerce act so as to remove all question as to the continued power of State authorities to require common carriers to make additions and betterments to their plants and facilities reasonably necessary for the safe and proper service of the public; to clearly define and limit the power of the Interstate Commerce Commission so that no intrastate rate may be changed or set aside without proof by competent evidence and upon findings of fact made that the same injures a person or persons or a locality or localities engaged in interstate commerce to such an extent as seriously to diminish the business of such person or persons, or seriously to retard the growth and development of such locality or localities, etc., which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented a petition of the Bathgate Study Club, of Bathgate, N. Dak., praying for the inclusion of the Winneshiek bottoms on the Upper Mississippi River in a national preserve, which was referred to the Committee on Commerce.

He also presented resolutions of the Commercial Club of Fargo and the North Dakota Hotel and Restaurant Men's Association in convention assembled at Grand Forks, in the State of North Dakota, favoring the passage of the so-called Coulter bill providing a $50,000,000 revolving loan to the livestock industry, which were referred to the Committee on Agriculture and Forestry.

Mr. SHORTRIDGE presented a petition signed by E. M. Leveille and F. S. Drady, both of Richter McKinnon Camp; Chas. L. Clarkson, Unit No. 6, United Veterans of the Republic; B. G. Dingler and John E. Oberg, Funston Camp, and F. E. Davidson, Miles Camp, as a special committee of the United Spanish War Veterans, in the city of San Francisco, Calif., praying for the passage of legislation giving satisfactory recognition of services rendered by the Spanish War Veterans, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Tehama County Farm Bureau, at Red Bluff, Calif., favoring action by Congress to help the economic situation in Europe and thereby aid in providing a market for California products, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Mountain View, Calif., praying for the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the Bakersfield Civic Commercial Association, of Bakersfield; the Northern California Counties Association, of Redding; and the Chambers of Commerce of Exeter, Healdsburg, Kingsburg, Pajaro Valley, Pittsburg, Riverside, San Francisco, San Gabriel, St. Helena, Turlock, and Yuba County, all in the State of California, protesting against any action by Congress tending to modify or change the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 665) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat L. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes, reported it without amendment and submitted a report (No. 29) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 511) to authorize the Secretary or the Interior to issue patent in fee simple to the Board of Regents of the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land, reported it with an amendment and submitted a report (No. 30) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 377) limiting the creation or extension of forest reserves in New Mexico and Arizona (Rept. No. 31); and

A bill (S. 381) to amend section 2 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (39 Stat. L. p. 862) (Rept. No. 32).

Mr. HARRELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1035) for the relief of the city of New York (Rept. No. 33); and

A bill (S. 1664) for the relief of Dr. C. LeRoy Brock (Rept. No. 34).

Mr. CAPPER, from the Commitee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 88) for the relief of Louis Leavitt (Rept. No. 35);

A bill (S. 593) for the relief of the United Dredging Co. (Rept. No. 36);

A bill (S. 646) for the relief of Ethel Williams (Rept. No. 37);

A bill (S. 796) for the relief of William H. Lee (Rept. No. 38);

A bill (S. 967) for the relief of the estate of C. C. Spiller, deceased (Rept. No. 39);

A bill (S. 1219) for the relief of Margaret Nolan (Rept. No. 40);

A bill (S. 1253) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture (Rept. No. 41); and

A bill (S. 1761) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War (Rept. No. 42).

Mr. GOODING, from the Committee on Claims, to which was referred the bill (S. 925) for the relief of Franklin A. Swenson, reported it without amendment and submitted a report (No. 43) thereon.

He also, from the same committee, to which was referred the bill (S. 1605) for the relief of Emma Kiener, reported it with an amendment and submitted a report (No. 44) thereon.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims (Rept. No. 45);

A bill (S. 661) for the relief of Charles Hurst (Rept. No. 46);

A bill (S. 894) to extend the time for the refunding of taxes erroneously collected from certain estates (Rept. No. 47);

A bill (S. 1506) for the relief of Capt. Edward T. Hartmann, United States Army, and others (Rept. No. 48);

A bill (S. 1769) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. (Rept. No. 49); and

A bill (S. 1861) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger (Rep. No. 51).

He also, from the same committee, to which was referred the bill (S. 1435) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co., reported it with an amendment and submitted a report (No. 50) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 244) for the relief of Marion B. Patterson, reported it without amendment and submitted a report (No. 53) thereon.

He also, from the same committee, to which was referred the bill (S. 130) for the relief of George T. Tobin & Son, reported it with an amendment and submitted a report (No. 52) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 827) for the relief of Jessie M. White (Rept. No. 54); and

A bill (S. 946) for the relief of the family of Lieut. Henry N. Fallon, retired (Rept. No. 55).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1323) for the relief of Eugene K. Stoudemire (Rept. No. 56); and

A bill (S. 1732) for the relief of Benjamin F. Spates (Rept. No. 57).

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 211) to provide for the building of a conservatory and other necessary buildings for the United States Botanic Garden, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 212) to provide for the acquisition of certain property in the District of Columbia for the United States Botanic Garden, reported it with an amendment.

LAURA ATWOOD.

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 116, and I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 116) submitted by Mr. GREENE on the 9th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Laura Atwood, widow of Joseph W. Atwood, late the special officer of the Capitol police, Senate roll, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ASSISTANT IN SENATE DOCUMENT ROOM.

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 90, and I ask unanimous consent for its present consideration.

Mr. CURTIS. I should like to ask a question as to the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 90) submitted by Mr. LENROOT on December 18, 1923, was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint an assistant in the Senate document room at a compensation of $1,500 per annum, to be paid out of the contingent fund of the Senate until the end of the Sixty-eighth Congress.

Mr. CURTIS. Mr. President, I wish to ask the Senator from New Hampshire if an investigation has been made by the committee to ascertain whether or not the extra help proposed to be furnished by the resolution is needed in the Senate document room?

Mr. KEYES. Mr. President, I will say in answer to the question of the Senator from Kansas that the matter involved in the resolution was brought to the attention of the committee by the Secretary of the Senate, who stated the condition existing in the document room and the necessity that further help be given if the business there was to be carried on expeditiously and properly.

I myself took occasion to go to the document room and, as well as I could, to make a pretty careful investigation as to how matters were handled there. I found they have at the present time only four men in the document room, while previously they have, as I understand, had five and six. The work there has fallen behind. The four men there have apparently made every effort to expedite business and to keep up the work current, but they seem to be unable to do so.

Mr. CURTIS. Mr. President, may I ask the Senator from New Hampshire are there not just as many men working there this year as there were last year?

Mr. KEYES. I understand not, Mr. President. I understand that up to not very long ago there were five men employed in the document room, but that one man became incapacitated and had to be put to other work in the Secretary's office, where, I am told, he is doing good work.

Mr. ROBINSON. Mr. President, will the Senator from New Hampshire yield to me?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Arkansas?

Mr. KEYES. I yield.

Mr. ROBINSON. In order that an opportunity may be afforded Senators to investigate the matter and satisfy themselves concerning the propriety of the passage of the resolution, I suggest that the resolution go over under the rule.

The PRESIDENT pro tempore. Objection being made, the resolution will go to the calendar.

TAX REVISION.

Mr. HARRISON. Mr. President, I have noticed in the papers a controversy that has been published, evidenced by some letters between the distinguished Senator from Michigan [Mr. COUZENS] and the Secretary of the Treasury with respect to the so-called Mellon tax bill. Would the Senator have any objection to having inserted in the RECORD those letters from the Senator to the Secretary of the Treasury and the letters received in reply?

Mr. COUZENS. Not at all.

Mr. HARRISON. Mr. President, this is a matter of such importance to the country, and so many people accept the views of the distinguished Senator from Michigan, that I ask unanimous consent that all that correspondence be embodied in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DECEMBER 20, 1923.

DEAR MR. SECRETARY: As part of the program for tax revision conveyed in your letter of November 10 to Acting Chairman GREEN of the Ways and Means Committee of the House of Representatives, and further upheld in your annual report for 1923, you propose a reduction in maximum surtax rates from 50 to 25 per cent. In support of this proposal you affirm that the productivity of the surtax is shrinking, contending that present rates encourage various legal forms of tax evasion, notably investment in tax-exempt securities by receivers of large incomes, and also that these rates seriously impede the development of business by diverting capital for productive industry to other forms of investment, especially to tax-exempt securities. To be specific, you say you "have considered this problem in the first instance solely from the standpoint of the Government's revenue, and it is clear that from this standpoint alone a reduction in surtaxes is necessary"; that "the high rates now in effect are progressively becoming less productive of revenue"; that taxpayers subject to surtaxes "are withdrawing their capital from productive business and investing it instead in tax-exempt securities"; and that "the constantly growing mass of tax-exempt securities is reaching such proportions as to undermine the development of business and industry."

A reduction in the maximum surtax rate from 50 to 25 per cent would represent a drastic cut in the taxes imposed on that class of incomes popularly considered as most capable of bearing taxation. I feel, therefore, that legislative action in conformity with your suggestions should be supported by very conclusive evidence that such reduction would be for the good of the country as a whole. Your communications on this subject do not seem to contain such evidence.

The only statistical evidence presented appears at the end of your letter to Mr. GREEN in a "Table showing decline of taxable incomes over $300,000" from 1916 to 1921. You show here the number of income-tax returns received, the net incomes reported, and the dividends and interest received in these years by individuals making return of net incomes of over $300,000. But you do not show, either there or in your report, the actual amount of surtax collected for these years. In other words, you give no figures to prove that the surtax revenue has itself decreased or, if so, to what extent.

Furthermore, in presenting these figures on incomes over $300,000 you make no allowance for the fact that 1921 was a year of severe depression, beginning with a price collapse in 1920. I note, however, that Mr. Edward White, statistician of the Bureau of Internal Revenue of your department, stresses this fact in a discussion of the 1921 income-tax statistics, presented by him on November 5 before a local club. He points out that the effect of this business depression was reflected in the number of income-tax returns received for 1921, in the amount of net income reported, and in the amount of income tax paid. It appears that these three items, in consequence of the depression in business, were less in 1921 than in 1920 with respect to every income group, and that, accordingly, a falling off in returns in net income and in taxes paid for the surtax groups can be explained in this year and to some extent in 1920 without reference to the rates of surtax.

Also, you do not state how large the income-tax collections for 1922, made in the current year 1923, have been to date or what the probably total figure for the year will be. Since our recovery from business depression was well under way in 1922 I should expect income-tax collections for that year to improve. May I ask, therefore, that you furnish me with definite and, if possible, statistical evidence in support of your statements that the surtax revenue of the Government is shrinking, that it is doing so on account of the present surtax rates, and that it may be expected to lessen progressively in the future unless the rates are reduced.

I should also be glad to secure some definite proof of the relation of the tax-exempt securities question to surtax reduction. In your communications on tax revision, I find nothing to indicate the proportion of tax-exempt investment existing it large fortunes. What are the amounts of tax-exempt securities held by the receivers of large incomes as compared with their other investments, and what is the loss in taxes paid to the Government by reason of this method of investment? What is the entire amount of tax-exempt securities outstanding and what could be its estimated maximum effect on the surtax return?

Apparently your proposal for a reduction in the surtax is based on your observations of the investor—I mean the investor who may buy railroad bonds, industrial bonds, or Government, State, and municipal bonds. Everyone knows the return usually received on these kinds of investments. There are many people, however, who receive incomes from bank stocks and as the result of conducting businesses as traders, jobbers, merchants, or manufacturers, but are not, strictly speaking, investors in the same sense as above referred to. Those latterly referred to are in more speculative business, and many of them are receiving incomes of from 10 to 100 per cent on their investment. It seems to me that your proposal for a reduction in surtax will give the biggest relief to this class, and that is the class which can best afford to pay.

In your report you point out that taxpayers paying surtaxes in the highest brackets would have to have investments to yield about 10.4 per cent in order to be as attractive as 5 per cent tax-exempt securities, but you do not deal with the income from bank stocks and the common stocks from many industrial concerns, which, as stated above, pay from 10 to 100 per cent, such cases, for instance, as the Standard Oil dividends of $138,423,295 in 1923. Certainly tax-exempt securities held no attraction for them.

It would appear that the Members of Congress will not be in a position to pass judgment on your proposals for reduction in surtax rates until the facts which I have referred to are before us in the most definite form possible.

Very sincerely yours,

JAMES COUZENS.

HON. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

SECRETARY OF THE TREASURY,
Washington, January 2, 1924.

MY DEAR SENATOR: I have your letter of December 20, the purport of which is that my statement that high surtax rates are becoming progressively less productive has not been sustained by the figures which have heretofore come to your notice. You also state that the year 1921 was a period of business depression which would necessarily be reflected in a reduction of income, and that you desire similar statistics for the taxable year 1922 from the returns of the year 1923.

The preparation of income statistics is a matter of considerable time and labor, and can not be done until all returns are in from the collectors, can be assembled, examined, and tabulated. The statistics of 1921 returns were available in October, 1923. The 1922 statistics will not be available until next fall. I can not, therefore, present the 1922 figures to you at this time.

We have, however, statistics, the force of which is most compelling. May I call your attention first to Table 2, an appendix to my letter of November 10, to Mr. GREEN and from which you quote? This table contains the total net incomes reported from all classes as well as the net incomes of those in the $300,000 class. It is true that the year 1921 shows less total income than the year 1920, but 1921 is substantially the same as 1919, and may, therefore, represent a not unusual situation. If you will take the full six-year period (1916–1921) shown in the table, you will notice that the total net incomes returned have increased from $6,298,000,000 to $19,577,000,000, whereas incomes in the $300,000 class have decreased from nearly $1,000,000,000 to $155,000,000, and in number of taxpayers in that class from 1,296 to 246. Again referring to the same table, you will note that dividends and taxable interest on investments have increased during the period from $3,200,000,000 to $4,160,000,000, whereas dividends and taxable interest on investments of the $300,000 class taxpayers have decreased from $706,000,000 to $155,000,000. If you will now refer to the prosperous year 1920, you will note that whereas that year showed a peak in total net incomes and total dividends and taxable interest on investments, it made no halt in the progressive diminution in the number of taxpayers with incomes in the $300,000 class in their total net incomes, or in their incomes from dividends and taxable interest on investments.

The following table shows the amount of surtax returned on account of incomes in excess of $300,000 for the six-year period, together with the total surtax returned and the percentage the surtax on incomes in excess of $300,000 was in relation to the total surtax:

Year.	Total surtax.	Surtax on income in excess of $300,000.	Percentage of total of those in excess of $300,000.
1916 [1]	$121,946,136	$81,404,194	66.8
1917	433,345,732	201,937,975	46.5
1918	651,289,027	220,218,131	33.8
1919	801,525,303	243,601,410	30.4
1920	595,803,767	134,709,112	22.6
1921	411,327,684	84,797,344	20.6

[1] 1916 was a year of low surtax rates.

From this you will note that, whereas the total surtax has varied, the percentage of surtax paid by the $300,000 class has progressively decreased from 66.8 to 20.6, without a break for any prosperous year.

We have, therefore, for the six years of varying degrees of prosperity, statistics showing a marked and continued tendency. That the statistics of 1922, when available, will show a reversal of this tendency under the same conditions which have caused it heretofore is improbable.

I stated in my annual report that—

"tax-exempt securities are not the only means by which the wealthy taxpayer within his strictly legal rights avoids a burden which appears to him to be confiscatory. It has been the history of taxation throughout the world that means have always been found by the ingenuity of the citizen to avoid taxes inherently excessive."

It is not necessary, therefore, that we consider solely tax-exempt securities as the means of tax avoidance, but the existing tax-exempt securities which would be unaffected by any constitutional amendment are the most open and well-known invitation to the avoidance of high surtaxes. There are approximately $11,000,000,000 of wholly tax-exempt securities outstanding, and the loss of revenue to the Government over what it would receive if the income were taxable is estimated at over $200,000,000 a year, and the loss of revenue over a similar investment in productive business at over $400,000,000 a year. In the 1921 revenue act the Congress removed the requirement that tax-exempt income be reported. The extent to which people of wealth have had resort to this means of avoidance is not available to the Government except in return for inheritance-tax purposes. The inheritance-tax unit of the Internal Revenue Bureau has taken 21 returns, filed in 1923, of estates of decedents having net estates of from $1,000,000 up. These returns were taken at random from the estates of various net values of the great number of returns filed in that year which have not yet been audited for statistical information, and therefore, while typical, do not include all of the returns over this net value. Individually, of course, they vary, but as a whole they show that the percentage of wholly tax-exempt securities to total gross estate in 1923 was 28.97, and the percentage of wholly tax-exempt securities to total bonds and stocks was 41.98. This compares with similar percentages for previous years, as follows:

Year.	Wholly tax exempt to net estate.	Wholly tax exempt to total stocks and bonds.
1917	2.21	3.26
1918	4.27	6.66
1919	5.30	7.87
1920	9.79	14.50
1921	8.97	13.30
1922	6.82	10.53
1923	28.97	41.98

Again we have proof of this progressive diversion of wealth from productive to unproductive business.

Your statement to the effect that tax-exempt securities are not attractive as compared with bank stocks and industrials which yield from 10 to 100 per cent on their investment is misleading if you make your basis the amount originally invested. The proper basis is the market value of the securities. The question is, Can a taxpayer get more return after income taxes out of $1,000 worth of tax-exempt securities or out of $1,000 worth of some taxable investment? I know of no sound bank stock which yields as high as 10 per cent on what it can be sold for and the money put in tax exempts, nor of any sound investments which run up to 100 per cent on the market value of the stock. It is true that speculation sometimes gives these high returns, but it is the very demand for such returns on account of the high surtaxes which has kept capital out of ordinary productive business and attracted it only to such projects as give opportunity for undue profit.

Your citation of the Standard Oil dividends in 1923 as an example of investments which would be made in preference to tax-exempt securities is most appropriately answered by the return of the estate of Mr. William Rockefeller, who was undoubtedly quite familiar with the possibilities of the Standard Oil companies. The total market value of his investments in those stocks was less than $7,000,000, whereas the value of his wholly tax-exempt bonds was over $44,000,000, six times what he had in the four Standard Oil companies.

We have in this country a system of war-time high surtaxes which have been and will continue to be progressively less productive of revenue to the Government and which by driving capital out of productive business and destroying the American spirit of business initiative are working grave economic harm. It is not those who have the capital who are hurt; it is the whole country who would benefit by its productive use who suffer. Common experience and all statistics available point to the same end. What is the remedy? Let us have diagnosis and cure, not autopsy and verdict.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. JAMES COUZENS,
United States Senate.

JANUARY 9, 1924.

DEAR MR. SECRETARY: I beg to acknowledge receipt of your letter of the 2d, a copy of which was given to the press of the country last Saturday.

The argument advanced in that letter to sustain your proposal for a reduction in surtax rates is not at all conclusive. Nothing in your letter proves the conclusion that we have in this country a system of war-time high surtaxes which have been and will continue to be progressively less productive of revenue to the Government and which are driving capital out of productive business and destroying the American spirit of business initiative, thereby working economic harm.

You have produced no evidence that lowering the rate of surtax to a maximum of 25 per cent will increase the income from surtax, nor have you offered any evidence that it will increase industrial productivity. The facts are that there seem to be no lack of industrial productivity at this time and certainly no lack of capital for producing the country's needs. I observed in the Detroit papers a few days ago that the Ford Motor Co. was to expend in Detroit and environs $110,000,000 for expansion, the Michigan Telephone Co., a subsidiary of the American Telephone & Telegraph Co., $5,000,000 for expansion in Detroit, and to-day I hear the General Motors are to spend many millions in Michigan for expansion; and in addition to these I know of many cases where industries now successfully engaged in the producing of manufactured goods are buying more real estate to extend their plants, buying coal mines, iron mines, and timberlands so as to insure their supplies of raw material. They are doing this in many cases in preference to paying out dividends which they would normally pay out except for the present rate of surtax.

There are evidences every day of a flood of money for all successful or necessary development purposes.

All we have to do is to look over the financial papers of the large cities to confirm that. Is this not conclusive evidence that the surtax does not curtail business expansion or initiative, but rather insures it?

So much for your claim that "we have in this country a system of war-time high surtaxes * * * which by driving capital out of productive business and destroying the American spirit of business initiative is working grave economic harm."

Now as to the productivity of the surtax, your statement that 1921's decrease in total income below that of 1920 represents no unusual situation because it is substantially the same as 1919 is most misleading. The facts are that the total incomes of 1921 were undoubtedly offset by great losses which were sustained in 1921. For example, corporate profits, from which large incomes are mostly derived, declined from $8,415,872,217 in 1919 to $5,873,231,069 in 1920, and almost disappeared in 1921, being only $457,828,679, while the income reported as arising from business fell from $3,877,000,000 in 1919 to $2,366,000,000 in 1921, facts which quite well establish the statement in my former letter that the depression year of 1921 was largely responsible for lessened surtax returns.

Further, profits reported from sales on real estate, stocks, and bonds, an important source of surtax revenue, were much lower in 1921 than in 1919. In 1919 this figure was $999,364,287, while in 1921 it fell to only $462,858,673. These statistics are even more pertinent to this discussion when attention is called to the fact that losses resulting from such sales are not deducted from these figures in either year, but appear under the column of "General deduction." Observe, for instance, that general deductions rose in 1921 to $3,751,569,404, from $2,578,194,377 in 1919. The profits from sales, as stated above, fell from $999,364,287 in 1919 to $462,858,673 in 1921.

For some reason your records do not show the amount of losses which you have permitted to be deducted from profits on sales; but if this were shown, it would indicate a very important reason for the falling off of the surtax return.

Another strange thing is your explanation that the 1922 income-tax statistics will not be available until next fall, yet in the Daily Statement of the United States Treasury there are figures for the total income tax collected in 1923 for income earned in 1922. If these two items, corporate and personal income, were reported separately, we might be able to get more up-to-date information. However, the combined item amounted in 1922, on incomes earned in 1921, to $1,506,604,000, and the corresponding figure for 1923 on incomes earned in 1922 amount to over $1,800,000,000.

I have many other figures to sustain the statement that the personal tax on 1922 incomes will be materially higher than those collected on 1921 incomes. It is quite conclusive that at least $180,000,000 more will be collected on 1922 incomes over 1921, and that at least $100,000,000 of this will be on surtaxes. In view of this, what I do not understand is the haste in getting the surtaxes reduced when we have only had one year's experience under the present law. I particularly do not understand it when it is admitted that 1923 was perhaps the most successful industrial year this country has ever had, and in view of that I think it might be safely assumed that the 1923 surtaxes will be higher than ever.

So as not to make this letter too long, I am writing another letter dealing with what you call tax-exempt securities, about which the Treasury Department has handed out so much misinformation and about which it has made so much noise.

In concluding your letter you say, "Let us have diagnosis and cure, not autopsy and verdict." With this I am in complete accord, but I dissent from permitting one individual doing the diagnosis and prescribing the remedy. I propose to engage in this diagnosis myself and perhaps have some voice in the decision.

Very sincerely,

JAMES COUZENS.

Hon. ANDREW W. MELLON,
Secretary of the Treasury,
Washington, D. C.

JANUARY 11, 1924.

DEAR MR. SECRETARY: In another letter, dated January 10, I took up certain features of your letter of January 2, and in this letter I am going to point out further reasons why the surtax should not be reduced and the little effect that tax-exempt securities have upon Government receipts. In my former letter I think I proved conclusively that millions of dollars are being retained in industry for expansion and in the increase of the productivity of industry because of a lack of desire to distribute profits with the surtax at its present point.

Undoubtedly there are many hundreds of millions of dollars now engaged in industry which would be distributed and many investments transferred to other owners if assurance of a material reduction in surtax were had. The mere transfer of ownership from one person to the other through the sale of bank stocks, industrial stocks, and other investments has no constructive force in the country's business. The original investor in bank stocks, industrial securities, and in business does not figure his return on the market value of the securities, but figures it on the basis of what he really invested.

Several years ago, from personal experience, I had many investments which, on the basis of the money I put into these investments, returned me from 20 per cent to 40 per cent, but on the basis of market value for these investments they only returned about 8½ per cent. I therefore believe that your statement that the proper basis is the market value of the securities is not well founded. The market basis is fixed because of the earning capacity of the industry and has no weight with the original investor except when he wants to sell his securities. The country is not interested whether he is able to sell his securities, because it only means a transfer of ownership and not the establishment of any new machinery of productivity.

As a personal experience in this matter, I desire to point out that during the 10 years that the Federal Government has collected income taxes I have paid into the Federal Treasury $8,223,697.21, nearly all

of which has been surtax. In 1920, based on 1919 income, I paid 65 per cent surtax, or a total of $7,229,161.75, to the Federal Treasury. This resulted entirely from a transfer of ownership of certain property I had and in no way had any effect whatever upon the industry of the country. Had the present law been in force, I would have saved nearly $2,000,000, and if your present proposal of a maximum of 25 per cent in surtax had been the law, I would have saved nearly $4,000,000; so I do not see where the country gains by creating these enormous savings for those well able to pay.

If your proposal is enacted into law, there will be a deluge of dividends out of industry to private individuals, many of whom have undoubtedly adopted the plan that you so well know about, namely that of dividing estates among members of a family so as to reduce the high bracket incomes, and following, of course, reduce the percentage of surtax.

You refer in your letter to the William Rockefeller estate as appropriately answering my citation of the Standard Oil Co. dividends in 1923. This does not answer my citation at all, because you give no analysis of what returns Mr. William Rockefeller received on his $7,000,000 of Standard Oil Co. stocks, but rather you attempt to prove that the balance of his estate invested in tax-exempt bonds could have been further invested in the Standard Oil Co. stock. If it had, it would have been nothing more than a transfer of ownership, all of which, as I have above stated, is of no interest to the public.

You refer to the tax-exempt securities with great frequency and greatly overplay the effect they have upon the Government revenue. You claim there are approximately $11,000,000,000 of wholly tax-exempt securities outstanding, of which $1,500,000,000 are Federal obligations. This entire amount of outstanding tax-exempt securities in relation to the total outstanding amount of corporate stocks and bonds of every kind is so small as to give an appearance of the whole discussion as a tempest in a teapot.

On page 32 of your "Statistics of income for 1920," the total par value of all capital stock of corporations outstanding is reported as $70,230,476,755. On page 12 of your "Statistics of income for 1921" is shown the total interest paid by all corporations in that year. Capitalizing this latter figure at 6 per cent gives about $52,000,000,000. Allowance for loans at banks would probably reduce this to about $30,000,000,000 or $35,000,000,000 of corporate bond issues. Were similar statistics available for 1923, both these figures would undoubtedly be appreciably larger, but I used the latest figures obtainable. To these two figures should be added the $20,000,000,000 of Federal obligations outside the tax-free 3½'s, making a total of $120,000,000,000 to $125,000,000,000 of outstanding securities in addition to tax exempts. It consequently will be seen that the entire amount of tax-exempt securities are only about 8 per cent of the total mass of existing American securities of all types.

I find by consulting "Statistics of income for returns of net income for 1921," page 14, that in 1921 corporations reported wholly tax-exempt income, consisting of tax-free interest on obligations of the United States and subdivisions thereof, of $188,788,627. Capitalizing this interest at 4½ per cent, a conservative figure for the average rate of return on those tax-exempt securities as a whole, it appears that corporations in 1921 owned $4,442,000,000 of the $11,000,000,000 tax-exempt securities outstanding (which includes holdings of banks, savings banks, life-insurance companies, etc., that pay no income tax). This leaves only $6,558,000,000 to be held by individuals of all classes. The interest on this principal amount at 4½ per cent would be about $278,715,000, the total possible income which would be received by individuals from tax-exempt securities. Yet you stated in your recent letter to me that the loss in revenue to the Government, i. e., possible taxes collectible from the existence of tax-exempt securities, is $200,000,000 a year. I do not know by what means this estimate is reached, but very apparently no such sum could be lost through the ownership by individuals in the surtax group of tax-exempt securities, even though they owned every tax-exempt security outside of corporations. But apparently these tax-exempt securities are not held in any considerable amount by owners of large incomes.

The second table given in your letter to me indicates the very small percentage, 2 per cent to 10 per cent, of such securities held in large estates in comparison with the entire property represented, or with the amounts invested in stocks and other bonds. The percentage (28.97) you give from statistics based on estates filed in 1923 shows an increase in this percentage figures over that of any previous year, which on the face of it is quite ridiculous. Such a decided jump is so very evidently out of line from the percentages for earlier years, as shown in your table, that it is apparent to the most casual observer that the small number, 21, of estate returns, taken as a basis for your 1923 figures, can not be acceptable as a reliable criterion of the situation. Especially is this obvious when it is pointed out that your 1922 percentage, for instance, is based on 12,203 estate returns.

In this connection, I might add that such men as the late Mr. Rockefeller, who are quite familiar, as you point out, with the possibilities of the best industrial stocks, yet who invest largely in tax-exempt securities, do so very often, not from any desire or concern to escape taxes, but rather from a desire to escape business responsibilities and risks and to insure the future income of their families. This is my own experience, as I have largely invested my capital in State, county, and municipal bonds, on which I really prepaid the taxes by taking a greatly reduced return from what I would have secured had I taken investments in new industries with the possibility of securing returns such as are made by original investors in motor stocks, bank stocks, and other more or less hazardous undertakings.

Further evidence of the amount of tax-exempt holdings among taxpayers is to be found in your Annual Report for 1923. On page 383 is a table showing the total income on Federal, State, and municipal tax-exempt securities reported in 1920 by individuals having net incomes of $5,000 or over. For obvious reasons, which you perhaps can explain, this table also includes salaries received from States and subdivisions thereof. You point out that the completeness of the figures can not be guaranteed as the reports were only requests for information. Since requests for information on returns, however, are pretty generally complied with, and since as an offset to any deficiencies of this type we have the inclusion of the salary figures, and, most important of all, since these are the only figures I find compiled in any year from income-tax returns showing holdings of tax-exempt securities, I think it is safe to accept their evidence as at least confirmatory of the inheritance-tax evidence referred to above.

The total amount of interest reported arising from tax-exempt securities held by all individuals reporting, including salaries as mentioned above, are only $105,485,172. Capitalizing this figure at 4¼ per cent, we get a total of tax-exempt securities, held by all individuals reporting, of only $2,482,000,000. The total of interest received from these securities held by persons in the income brackets of $50,000 and above, as shown in the table, is only about $53,062,000. This amount, if it paid an average surtax rate as high as 30 per cent, would escape a surtax of only $15,918,600, while the total surtax paid in 1920 was $596,803,000.

Judging from these evidences taken from the publications of your own department, it would appear that the receivers of large incomes are not escaping any such large amount of surtaxes through the ownership of tax-exempt securities as would make it desirable for the Government to lower surtaxes in order to secure more revenue for itself or to release capital for business investments.

Furthermore, whoever the holders of tax-exempt securities may be, no proof or line of argument has been adduced to show that a lowering of the maximum surtax rate would shift the capital now invested in these obligations to industrials and railroad securities. Whatever happens or does not happen to the surtax rate, the body of tax-exempt securities now in existence will continue. These securities must be owned by some one so long as they are outstanding. This fact can not be escaped by changing the surtax rate.

Municipalities, if they are to live, must have funds from some source. You make the statement that the investment in State and municipal bonds creates a progressive diversion of wealth from productive to unproductive business. Do you contend that it is less productive to invest money in thousands of schoolhouses, to invest money in waterworks, lighting plants, street railway plants, good roads, colleges, etc., and for sewerage and other sanitation and health-serving institutions, such as hospitals, than it is in theaters, office buildings, moving-picture houses, ball parks, distilleries, breweries, chewing gum and cosmetic factories, etc.? Does not the money paid for these municipal and governmental activities go to labor, to cement and material manufacturers, and to manufacturers of all kinds of things used in this work? Why is the use of capital in the construction of highways and other things I have mentioned not as productive as that used in private industry? Is it not a fact there is no scarcity of capital for productive activities? Is it not a fact that the American Telephone & Telegraph Co.'s recent issue was greatly oversubscribed? Is it not a fact that many millions of dollars were loaned to foreign countries last year?

As a matter of fact, there is no such thing as locking up capital, because even if you put it in the bank and are contented with bank interest, the bank loans it to industries for productive purposes.

I could write on indefinitely, but I think the best way to settle this apparent difference of opinion between us is to perhaps debate the subject before an audience, where both of us will be required to rely upon our knowledge of the subject rather than rely upon statisticians who can make figures tell any kind of a story, or clever lawyers who can argue from any side.

We are both business men, so I think that a joint debate would be a fair test of our knowledge of the subject and enable the people of the country to get at the truth. Therefore, in a perfectly friendly manner, I suggest that we engage some large hall, divide the expenses, and invite the public to hear the discussion.

Very truly yours,

JAMES COUZENS.

HON. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 1910) to provide for weekly pay days for postal employees; to the Committee on Post Offices and Post Roads.

By Mr. LODGE (by request):

A bill (S. 1911) to enable the President to restore Second Lieut. Henry Ossian Flipper to grade, rank, and status in the United States Army; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 1912) granting a pension to Mary A. Kane; to the Committee on Pensions.

A bill (S. 1913) to purchase a site for the erection of a post-office building in the city of Norfolk, Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 1914) authorizing the appropriation of $15,000 for the purpose of constructing suitable roads upon the Government-owned grounds at Wakefield, Westmoreland County, Va., and for the purpose of improving and maintaining said grounds; to the Committee on Military Affairs.

A bill (S. 1915) for the relief of the Eastern Transportation Co.;

A bill (S. 1916) for the relief of Henry A. Kessel Co. (Inc.); and

A bill (S. 1917) for the relief of W. Bernard Duke, W. B. W. Mann, Joseph J. Hock, Timothy J. Hooper, E. R. Haggett, and the Arundel Corporation; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER:

A bill (S. 1919) to repeal section 422 of the transportation act, 1920, approved February 28, 1920, and for other purposes; to the Committee on Interstate Commerce.

By Mr. STERLING:

A bill (S. 1920) to provide a 1-cent postage rate on local letters and expedite the handling of that class of mail matter; to the Committee on Post Offices and Post Roads.

By Mr. HARRIS:

A bill (S. 1921) to fix the annual salary of the collector of customs for the district of Georgia; to the Committee on Finance.

A bill (S. 1922) authorizing the donation of certain cannon; and

A bill (S. 1923) providing for the appointment of Second Lieut. Robert Brice Johnston as first lieutenant in the Infantry, United States Army; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 1924) to amend paragraph 3, section 16, of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 1925) authorizing investigation by the United States Geological Survey to determine location and extent of potash deposits in the United States; to the Committee on Agriculture and Forestry.

By Mr. LENROOT:

A bill (S. 1926) to amend the act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921; to the Committee on Interstate Commerce.

By Mr. DIAL:

A bill (S. 1927) to enlarge, extend, remodel, and improve the public buildings at Columbia, S. C.; to the Committee on Public Buildings and Grounds.

A bill (S. 1928) to provide a penalty for brokers and commission houses fraudulently neglecting to carry out their contracts; to the Committee on the Judiciary.

By Mr. COUZENS:

A bill (S. 1929) to refund to Clinton G. Edgar income tax erroneously and illegally collected; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 1930) for the relief of the San Diego Consolidated Gas & Electric Co.; to the Committee on Claims.

A bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps or contract surgeons; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 1932) to change the name of Thirty-seventh Street between Chevy Chase Circle and Reno Road;

A bill (S. 1933) to authorize the extension of Vermont Avenue from Florida Avenue to Howard Place, and for other purposes;

A bill (S. 1934) to amend, revise, and reenact section 549 of subchapter 4 of the Code of Law of the District of Columbia, relating to the appointment of deputy recorder of deeds and fixing the compensation therefor; and

A bill (S. 1935) to amend, revise, and reenact subchapter 3, sections 546 and 547, of the Code of Law of the District of Columbia, relating to the recording of deeds of chattels; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 1936) granting a pension to John C. Collins (with accompanying papers); to the Committee on Pensions.

A bill (S. 1937) for the relief of the Staples Transportation Co., of Fall River, Mass.;

A bill (S. 1938) for the relief of the owners of the steam tug *Juno;*

A bill (S. 1939) for the relief of the owner of the steamer *Norfolk;* and

A bill (S. 1940) for the relief of the East La Have Transportation Co. (Ltd.), owner, A. Picard & Co., owner of cargo, and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickel, and Norman E. Le Gay, crew of the schooner *Con Rein*, sunk by United States submarine *K-4;* to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 1941) for the relief of Ezra S. Pond (with accompanying papers); to the Committee on Claims.

A bill (S. 1942) to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States; to the Committee on Commerce.

By Mr. LADD:

A bill (S. 1943) for the relief of Isaac J. Reese; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 1944) to establish an auxiliary fish-cultural station in the Yellowstone National Park; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 1945) to regulate interstate commerce, to incorporate the Federal Transportation Co., and for other purposes; to the Committee on Interstate Commerce.

By Mr. BURSUM:

A bill (S. 1946) to provide for a refund to veterans of the World War of certain sums deducted from their pay for allotments and insurance and to compensate such veterans in an amount equal to the additional allowance paid civilian employees of the United States during such war, and to the losses sustained upon the disposition of Liberty bonds purchased or subscribed for by veterans during such war; to the Committee on Finance.

By Mr. ELKINS:

A bill (S. 1947) for the relief of L. R. Elkins; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 1948) granting a pension to Dorothy Annie Britton; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 1949) granting an increase of pension to Lucinda Stump; to the Committee on Pensions.

A bill (S. 1950) to provide for issuance of patents to homestead entrants, who served in the war between the German Empire and the United States and were honorably discharged, within three years after application, and relieving them of compliance with requirement of proof as to residence and improvements; to the Committee on Public Lands and Surveys.

By Mr. HARRISON:

A bill (S. 1951) for the relief of John G. Sessions; to the Committee on Claims.

By Mr. McCORMICK:

A bill (S. 1952) granting a pension to John A. Robinson; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 1953) granting an increase of pension to Anna Langford (with accompanying papers);

A bill (S. 1954) granting a pension to Emma Williams Rhodes (with an accompanying paper);

A bill (S. 1955) granting an increase of pension to Emma Campbell (with accompanying papers);

A bill (S 1956) granting an increase of pension to Clara Holmes (with accompanying papers);

A bill (S. 1957) granting an increase of pension to Cetoia Eidson (with accompanying papers);

A bill (S. 1958) granting an increase of pension to Jennie L. Kirk (with accompanying papers); and

A bill (S. 1959) granting an increase of pension to Mary E. Harper (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 1960) to prohibit the entry into the United States, and to levy an excise tax on certain weapons; to the Committee on the Judiciary.

By Mr. CAMERON:

A bill (S. 1961) to confer jurisdiction on the Court of Claims to inquire into whether or not the immigrant Cherokees by blood are entitled to be reimbursed for lands allotted to negro freedmen Cherokees from lands granted to immigrant Cherokees by blood under treaty of 1835, and inquire into and determine the validity of the treaty of 1866; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 1962) granting a pension to Ella M. Sims;

A bill (S. 1963) granting a pension to Mathias Backes; and

A bill (S. 1964) granting an increase of pension to Mary E. Zimmerman; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 1965) for the relief of John C. Palmer, 3d; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 1966) making eligible for retirement under the same conditions as now provided for officers of the Regular Army, Capt. Oliver A. Barber, an officer of the United States Army during the World War, who incurred physical disability in line of duty; to the Committee on Military Affairs.

By Mr. SWANSON:

A joint resolution (S. J. Res. 58) for the relief of citizens of Cradock, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 59) to enable the people of the Philippine Islands to form a constitution and national government and to provide for the recognition of their independence; to the Committee on Territories and Insular Possessions.

By Mr. HARRIS:

A joint resolution (S. J. Res. 60) to stimulate crop production in the United States; to the Committee on Agriculture and Forestry.

By Mr. FERNALD:

A joint resolution (S. J. Res. 61) authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa; to the Committee on Public Buildings and Grounds.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. ODDIE submitted an amendment proposing to continue the land office at Elko, Nev., and also proposing to increase the appropriation for operation and maintenance, continuation of construction, etc., of the Newlands reclamation project, Nevada, from $155,000 to $400,000, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

PENNSYLVANIA CLAIMS.

Mr. REED of Pennsylvania submitted an amendment intended to be proposed by him to the bill (S. 1817) for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the Judicial Code, which was ordered to lie on the table and to be printed.

ANNIE M. PETERSON.

Mr. CURTIS submitted the following resolution (S. Res. 121), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Annie M. Peterson, sole surviving child of John Hickman, late a skilled laborer for 58 years in the employ of the Senators' barber shop, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death; said sum to be considered as including funeral expenses and all other allowances.

OPERATION OF THE PRESENT TARIFF ACT.

Mr. WALSH of Massachusetts. Mr. President, I desire to give notice that at the close of the morning hour to-morrow I shall address the Senate upon the result on the country of the operation of the Fordney-McCumber Act during its first year.

SOVIET GOVERNMENT OF RUSSIA.

Mr. BORAH. Mr. President, there is a resolution on the table, coming over from a former day, which I should like to have disposed of at this time.

The PRESIDENT pro tempore. That order has not yet been reached.

Mr. BORAH. I know it; but I thought perhaps we could dispose of the resolution now.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH. I call the attention of the Senator from Massachusetts [Mr. LODGE] to this resolution which I ask to have considered. It relates to a report from the Secretary of State.

The PRESIDENT pro tempore. The Senator from Idaho requests unanimous consent to take up a resolution coming over from a previous day, which will be read by the Secretary.

The reading clerk read Senate Resolution 114, submitted by Mr. BORAH on the 7th instant, as follows:

Resolved, That the Secretary of State is requested, if not incompatible with the public interests, to send to the Senate the following reports made during the last six years touching Russian affairs:

Reports of William Boyce Thompson, Col. Raymond Robins, General Graves, Gov. J. P. Goodrich, Major Slaughter, and Major Faymonville.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

PENITENTIARY AT M'NEIL ISLAND.

Mr. DIAL. Mr. President, before the Senate recessed last week I made some remarks in the Senate criticizing a judge in South Carolina for having sentenced a prisoner to imprisonment in the penitentiary at McNeil Island, in the Pacific Ocean. I saw in the paper a few days before that where a trial was had in South Carolina and this sentence was imposed. I naturally thought the case was tried by the present judge, a new appointee down there, who took his office, I believe, in the latter part of November. I criticized the judge for sending this prisoner clear across the continent.

After the Senate took a recess I was informed that I was in error as to the judge who tried the case. It was not the new appointee, but it was the judge who had retired. This is the first opportunity I have had to correct that criticism and I am glad to do so. I do not want intentionally to do anyone any wrong.

However, Mr. President, I do not exactly understand why any judge should sentence a prisoner tried in a State bordering on the Atlantic Ocean to a penitentiary in the Pacific Ocean. I believe this island is about 3½ miles beyond the shore. I see in the News and Courier, of South Carolina, published on Sunday, a statement in reference to these remarks which I made, which says:

The judge who sentenced the prisoner was not a new judge, but was Judge Henry A. M. Smith, lately retired from active service on the bench. The prisoner was sentenced to confinement at McNeil Island, on the Pacific coast, for the reason that that was the place designated by the Attorney General of the United States, who, under the law, has absolute control of the place of confinement of prisoners, and the power to designate as he sees fit.

I was also told that perhaps this is the only penitentiary to which a marine or a man in the Navy can be sentenced. As to that I am not certain, but if such is the case the law ought to be amended. If the Attorney General simply designated that as the place of confinement, unless it was mandatory for him to do so, the criticism ought to apply to him for being extravagant. Anyway I am having the whole matter looked into; and if that is the law, and there is no other place in the United States to confine a sailor or marine than to send him clear across the continent at an enormous expense, I will introduce a bill to amend the law. I am very glad to make this correction, as I did the judge an unintentional injustice, and this is the first opportunity I have had to correct my remarks.

THE MUSCLE SHOALS PLANT.

Mr. McKELLAR. Mr. President, may I ask if the morning business is closed?

The PRESIDENT pro tempore. It is not.

Mr. McKELLAR. I ask unanimous consent to proceed for five minutes, out of order, at this time.

Mr. President, the so-called superpower system, composed of several power companies located in Georgia, North Carolina, South Carolina, Alabama, and Tennessee, have made a bid for Muscle Shoals to be transferred to one or any of them in opposition to the bid of Henry Ford.

I do not believe that the bid of these power companies should be accepted by the Government. There are many reasons for my opinion; but there is an all-controlling one, and the others need not be considered.

It is a well-understood fact that 70 per cent of the stock of the Alabama Power Co., the principal bidder, is owned by British stock and bond holders. For the United States Government to lease and turn over this plant, which was built by it for the purpose of being independent of all other nations in the production of nitrates in war times, to a corporation whose principal stockholders are subjects of its leading commercial rival, would be little short of attempted national suicide. How any right-minded, thinking, patriotic, disinterested American citizen would be willing for our Government to turn over this water power to such an association or organization, composed at least largely of aliens, is inconceivable to me. That it will not be done is a foregone conclusion.

Muscle Shoals, under Henry Ford's offer, will probably develop more horsepower than all the horsepower developed by all the nine companies joining in the combination bid. It is perfectly apparent, however, that the Alabama Power Co. will be the chief beneficiary of the bid and the controlling force in the organization if the bid should be accepted. If, by any mischance, we should ever get into a war with Great Britain, which I pray God may never come, but should it come—and the best of friends among nations sometimes fall out—our Government would be in the attitude of having to request citizens of Great Britain to turn over to our Government a water-power plant built by us for war purposes, and without which we might be wholly unable to wage war. This fact alone furnishes a conclusive reason why the combination bid should not be accepted by our Government or by the Congress.

Mr. Ford is the logical man to have this plant. I am now, as I have always been since the matter first came up, in favor of leasing it to him. Of course, it might be said that we could commandeer the plant in the event of war; but if Great Britain happened to be our adversary, or if she happened to be more friendly with our adversary than she was to us, the plant could be destroyed or made useless before we could possibly take it over. However friendly we may be with any foreign nation—and of course, as we all know, we are probably more friendly with Great Britain than any other foreign nation—still we do not want to be, and in my judgment will not be, put in a position to ask Great Britain or any other nation to permit us to have the use of our best war asset.

Suppose the majority of the stockholders of the Alabama Power Co. were Germans or Japanese. Would we be willing to think even for a moment of giving or leasing them this plant? Japan is an ally of Great Britain at the present time and Germany may be an ally at any moment. If reports be true, she is an earnest bidder for such an alliance. Guns are useless without powder. Great Britain, according to reports, dominates the Chilean nitrate fields, heretofore our sole source for war nitrates and explosives, and in the event of war Japan could make it very difficult for us to secure nitrates. We must guard sacredly our supply of war-time nitrates. We can not do this by having them in the keeping of an alien-controlled company, however friendly such alien company may be to us at the time.

Mr. President, I earnestly hope that this all-controlling reason, as it seems to me, will appeal in like manner to the other Members of this body and to the Members of the House of Representatives and that this bid may not even be considered.

Mr. NORRIS. Mr. President, without criticizing the Senator for his argument against the acceptance of this combination bid, agreeing with him in the argument he has made against it, I want just briefly to add that every argument he makes against the acceptance of the bid made by these combined power companies applies with equal force against the acceptance of the bid of Henry Ford.

The Senator has said that some of the stock of the Alabama Power Co. is owned by foreigners. We have no way of preventing all of it from being owned by foreigners before we may get into another war. Nobody knows now but that if Henry Ford's offer were accepted at the very beginning the corporation he proposes to organize might likewise be owned by foreigners. Everybody knows he will not live a hundred years and that somebody else will own the stock, and it may be foreigners. If that is an objection against one, the same objection applies to the other.

If we want to protect ourselves against such a condition arising in the future, then we ourselves ought to retain the ownership of this great power proposition, which may, if we are so unfortunate as to get into a war with a foreign country, mean the difference between victory and defeat.

The Senator has said that if Ford gets Muscle Shoals we will have it in case of war, but that if the other companies get it and there are foreigners among the stockholders we can condemn it and take it, but that they might make it absolutely worthless before we could get around to taking it; all of which might be true. Likewise that might be true under the Ford offer. If Mr. Ford's offer provided that we could take the property back at what Mr. Ford pays for it now in case we wanted to, if there were a war in which we were engaged, there would be something in the Senator's argument; but under Mr. Ford's proposition, if we should take the property back, we would be in the same situation as though we took it from anybody else who owned it; we would pay what it was worth at the time we took it back rather than what he would invest in it now.

Mr. HEFLIN. Mr. President, I do not care to discuss this question at this time, but later on I will have something to say as to why I think the Ford offer should be accepted.

I will say this in reply to the Senator from Nebraska, that Ford's present offer protects the Government's rights. Ford is simply to lease the property. It would not get out of the hands of the Government. The Senator from Nebraska has said that when Henry Ford is dead some foreign company might acquire considerable interest or control of Muscle Shoals. It could be provided in the measure we pass accepting the offer of Mr. Ford that at no time shall this property pass into the hands of foreigners, and I think that such a provision should be put in the act.

Mr. McKELLAR. Before the Senator from Alabama takes his seat I would like to ask if he does not understand that if Ford incorporates, then the company would be an American corporation owned by Americans? It would be the easiest thing in the world to stipulate, as the Senator suggests, that the stock shall never be owned by foreigners; but the fact is that we know that a majority of the stock of the Alabama Power Co. is now owned by aliens, and it would be in a sense suicidal for us to turn over this great nitrate plant to a foreign-owned corporation.

Mr. HEFLIN. Some of the stockholders in that company are foreigners.

Mr. NORRIS. Mr. President, both Senators have said that we could easily incorporate a provision in the act ratifying the Ford bid that the stock should not be owned by foreigners. It would be just as easy to incorporate such a provision in the other bill. There is no difference. If foreigners owned any interest, they would have to sell it or the bid would be rejected. On the other hand, if we accept Mr. Ford's bid we will not be allowed to put that stipulation in. We could, it is true, in our act accepting the bid provide that none of the stock should ever be owned by foreigners, but that would not be an acceptance of Mr. Ford's bid. We could, if we sold the property to these other parties, likewise put a provision in the act that no foreigner could own any of the stock; but that is not in their bid.

So, Mr. President, when we come to the proposition of passing an act accepting any bid it would be just as easy to put the stipulation in one as in the other, and I think we ought to put such a stipulation in. I agree with the Senators, and I would be glad to have such a condition in the act if we accept anybody's bid; but it is not in Mr. Ford's offer and it is not in the other offer. To say that this corporation Ford is to organize is to be an American corporation is again getting outside of the bid. There is nothing in the bid which would prevent a majority of the stock in his corporation, from the very first day of its organization, being owned by Germans or Englishmen or any other foreigners. There is no stipulation in the bid to the contrary.

CHAIRMAN OF COMMITTEE ON INTERSTATE COMMERCE.

Mr. ROBINSON. Mr. President, a number of newspapers on last Saturday carried a report that the Senator from South Carolina [Mr. SMITH], chairman of the Committee on Interstate Commerce, had prepared a statement which did not meet my approval and that of other Democratic Senators, and that the Senator from South Carolina had been prompted to substitute a different expression from that originally intended by him. This press report is unfounded. The statement issued by the Senator from South Carolina meets my hearty approval, and he was not either expressly or impliedly requested to modify any statement in contemplation by him.

I take occasion to say that the Senator from South Carolina [Mr. SMITH] was elected chairman of the Committee on Interstate Commerce after a prolonged contest in the Senate, receiving the support of every Democrat, save one, and of a number of progressive Republicans and the two Farmer-Labor Senators. The Republicans have a majority of 10 in this body, including the two Senators designated as members of the Farmer-Labor Party. So marked are the differences between what is known as the conservative and the progressive elements of the Re-

publican Party in the Senate, respecting legislative policies as they relate to transportation, that it was found impossible for them to agree upon a Republican of either wing for chairman of the Interstate Commerce Committee. Democratic Senators feel themselves justified in refraining from supporting any Republican and in voting for one of their own number whose record, experience, and sound judgment justify confidence in his ability and integrity.

The Senator from South Carolina [Mr. SMITH] was for many years chairman of the Committee on Interstate Commerce while the Democrats were in control of the Senate. His efforts and accomplishments while serving in that capacity demonstrated fairness and just dealing toward both the public and the railroads. Democrats in the Senate desire to see the transportation system of the United States improved so that not only investors in railroad securities may be treated fairly but also that shippers and consumers may be better protected against discriminations and oppressive charges and receive transportation service at just and reasonable rates.

The difficulties in the way of a complete reorganization of the freight-rate structure advocated by the President in his annual message to Congress must be recognized by every Senator and by students of the railroad problem generally. Nevertheless, transportation charges are intimately related to the cost of living and the prosperity of industry. Agriculture has been very especially embarrassed, and readjustments of freight rates seem essential before that industry can be placed upon the basis of permanent prosperity. This applies not only to farm products, but with equal force to commodities which farmers consume.

Even if it should prove impossible to reorganize the freight-rate structure, it is necessary that some plan be provided for substantial reductions in rates and for the removal of inequalities and deficiencies in service.

The railroad managements have made notable progress during the last year in this latter respect, and Congress should manifest its readiness to facilitate this advance in every proper way.

Widespread demand exists for the elimination of the Pullman surcharge, and this should receive the consideration of Congress, and I believe should be acted upon.

While the responsibilities incident to the selection of a Democrat for this important chairmanship, when the opposition numbers a majority in the Senate, is accompanied by difficulties, substantial relief may result through the cooperation of all who desire to see it brought about.

TRANSPORTATION OF AMERICAN BAR ASSOCIATION TO LONDON.

Mr. JONES of Washington. Mr. President, the report of the Shipping Board on the resolution with reference to the transportation of the bar association is on the table. I ask that it may be ordered printed and referred to the Committee on Commerce; and in that connection I ask that a letter to me from Mr. Wadhams, the treasurer of the American Bar Association, together with the answer to Senator WILLIS's letter, which he inclosed to me, and the answer of the Shipping Board to that letter, may be printed as a part of this report. That will give both sides of the controversy in full.

Mr. McKELLAR. Mr. President, is the report very long?

Mr. JONES of Washington. Not very.

Mr. McKELLAR. Is it too long to be printed in the RECORD? It is a very important matter, I think.

Mr. JONES of Washington. We might print it in the RECORD and not print it as a document.

Mr. McKELLAR. Very well.

Mr. JONES of Washington. I ask, then, that with this report the letters to which I have referred may be printed in the RECORD and then referred to the Committee on Commerce without further printing.

Mr. McKELLAR. The Senator is modifying his request, as I understand.

Mr. JONES of Washington. Yes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

UNITED STATES SHIPPING BOARD,
OFFICE OF THE CHAIRMAN,
Washington, January 9, 1924.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: In accordance with Senate Resolution 105, passed by the Senate January 3, 1924, I am transmitting the following information concerning the attempts of the United States Lines to secure the transportation of the members of the American Bar Association to London and also to secure the transportation of delegates of the Chamber of Commerce of the United States of America and other organizations in the United States to the second general meeting of the International Chamber of Commerce held in Rome, Italy, during the week of March 17, 1923.

With reference to the transportation of the American Bar Association, the officials of the United States Lines first heard of the proposed trip indirectly and not as the result of direct communications from the officers of the American Bar Association in the fall of 1922. One of the solicitors of the United States Lines immediately got in touch with Mr. W. Thomas Kemp, secretary of the association, in Baltimore, who gave an outline of the proposed trip and referred the solicitor to Mr. Frederick E. Wadhams, treasurer, Albany, N. Y., with the information that he would be in charge of the arrangements. Mr. R. I. Dunigan, assistant passenger traffic manager of the United States Lines, at once took personal charge of the solicitation and got in touch with Mr. Wadhams immediately and arranged a meeting between Mr. Dunigan and Mr. Wadhams in the New York office of the United States Lines. At that meeting Mr. Dunigan learned that American Bar Association officials had been already in touch with representatives of foreign lines.

The transportation of the members of the American Bar Association on either the steamship *Leviathan*, which was then being reconditioned, or the steamship *George Washington* was discussed many times during the winter and spring of 1923, and once with a committee of the American Bar Association at the office of the Hon. John W. Davis in New York City.

Rates, ships, and technical features were discussed, and both the steamship *Leviathan* and steamship *George Washington* were offered to the committee. Reference had been made to offers made by an English line, and information was requested as to whether the United States Lines could meet such offers. Mr. Dunigan made the assurance that the United States Lines would meet any offer made by a competitor, and in order to make sure requested permission to receive a confirmation of this assurance.

On February 16, 1923, a letter was written to Mr. Wadhams by Mr. Dunigan, in which the following appears:

"If, as you stated at the last meeting, you require a flat minimum rate to meet your own situations and the competition offered by a foreign line, I confirm the wording and intent of my letter of February 5, to wit, that we are prepared to name the same terms and conditions as have been or will be advanced by any of our competitors."

Negotiations continued up to October 31, 1923, during which time the steamship *Leviathan* held its trial trip, on which the president, secretary, and treasurer of the American Bar Association were invited, the secretary and treasurer accepting. During the trial trip meetings were held in which every phase of the trip of the American Bar Association was discussed.

On October 31, 1923, the new committee on transportation of the American Bar Association held a meeting, and the steamship *Berengaria*, of the Cunard Line, was chosen. Just prior to this meeting a conference was held between Mr. Wadhams and Mr. Dunigan, during which Mr. Wadhams was informed that the schedule for the sailings of the *Leviathan* and *George Washington* in July, 1924, had not been fixed, and that they were, therefore, free ships. No question was raised that we would not be able to make a schedule that would suit the needs of the American Bar Association should they select one of our steamers, and the schedule was not actually made up until the early part of December, 1923. Mr. Dunigan requested permission to attend the above-mentioned meeting, but was told that it would be impossible to grant that request.

This movement was solicited continuously for nearly one year.

Copies of correspondence and of a report of conferences held between the representatives of the American Bar Association and the United States Lines are appended hereto, comprising the following:

"December 15, 1922: F. E. Wadhams to United States Lines, stating Mr. Hawthorne, of United States Lines, had called to see Mr. Kemp, of American Bar Association, relative to possible meeting of that association in London.

"December 24, 1922: F. E. Wadhams to R. I. Dunigan, asking expenses of trip to London.

"December 26, 1922: R. I. Dunigan to F. E. Wadhams, giving information relative to *Leviathan* and expenses of trip thereon.

"Deecmber 28, 1922: F. E. Wadhams to R. I. Dunigan, acknowledging above and asking for further information.

"January 4, 1923: R. I. Dunigan to F. E. Wadhams, answering above and giving information relative to *Leviathan* and *George Washington*.

"January 23, 1923: Union National Bank to United States Lines, asking date, etc., of meeting of American Bar Association in London.

"January 25, 1923: R. I. Dunigan to F. E. Wadhams, asking what he wishes done relative to above request of Union National Bank.

"January 26, 1923: F. E. Wadhams to R. I. Dunigan, replying to above, states matter of meeting in London will not be finally decided until after Minneapolis meeting, August 31, 1923.

"January 29, 1923: F. E. Wadhams to R. I. Dunigan, inviting him to appear at committee meeting in office of Hon. John W. Davis, New York, on February 3, 1923.

"January 31, 1923: R. I. Dunigan to F. E. Wadhams, accepting above invitation.

"February 5, 1923: Memorandum from R. I. Dunigan, headed 'Memorandum re American Bar Association,' giving result of above meeting.

"February 5, 1923: R. I. Dunigan to F. E. Wadhams, offering rates on the *Leviathan* and the *George Washington*.

"February 8, 1923: F. E. Wadhams to R. I. Dunigan, answering above and asking further details.

"February 14, 1923: F. E. Wadhams to R. I. Dunigan, requesting reply to above.

"February 16, 1923: R. I. Dunigan to F. E. Wadhams, answering above letters of February 8 and 14, 1923.

"April 2, 1923: R. I. Dunigan to F. E. Wadhams, asking status of proposed trip of American Bar Association to London.

"April 5, 1923: F. E. Wadhams to R. I. Dunigan, answering above and stating information would be furnished upon receipt of replies to circular letter to members.

"April 9, 1923: R. I. Dunigan to F. E. Wadhams, acknowledging above.

"June 28, 1923: F. E. Wadhams to R. I. Dunigan, inclosing clipping from Albany Evening News containing story given by Mr. Wadhams to a reporter of that newspaper.

"June 29, 1923: R. I. Dunigan to F. E. Wadhams, acknowledging above.

"August 23, 1923: R. I. Dunigan to F. E. Wadhams, introducing Mr. Highman, vice president of Raymond & Whitcomb Co.

"September 15, 1923: F. E. Wadhams to R. I. Dunigan, acknowledging above.

"September 15, 1923: F. E. Wadhams to R. I. Dunigan, stating American Bar Association voted to accept invitation of British bar to hold meeting in London in 1924; that a meeting to arrange details would be held in New York in a month or six weeks.

"September 18, 1923: R. I. Dunigan to F. E. Wadhams, acknowledging above.

"October 1, 1923: Memorandum from R. I. Dunigan to Mr. Boring (advertising manager, United States Shipping Board), giving information re to plans taken to secure passage of American Bar Association to London.

"November 9, 1923: F. E. Wadhams to R. I. Dunigan, stating committee on transportation of American Bar Association had decided the *Berengaria* was most suitable steamer for trip to London, her sailing date being July 12, 1924."

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

The United States Lines received in March, 1922, a communication from a steamship and tourist agency with reference to information concerning a contemplated trip of the American International Chamber of Commerce. The correspondence continued up until April, 1922, when information was received that the proposed trip was postponed until March, 1923. The matter had been taken up with an officer of the National Chamber of Commerce, requesting consideration at the time they made the trip. Nothing further was heard from that party.

The tourist agency later took the matter up with the Chamber of Commerce, and was informed that the whole matter had been turned over to the American Express Co. and that arrangements had been completed for a Cunard boat, which was on one of the Mediterranean cruises of the American Express Co. and carried other passengers. In January, 1923, when the United States Lines established an office in Washington, the head of that office immediately went to the Chamber of Commerce and was advised to the same effect. He was also informed that the United States Shipping Board and the International Mercantile Marine Co. did not bid although they had been requested to do so. No record of any request, either written or oral, can be found.

The party consisted of 33 men and 10 women, and was transported direct to Italy on the *Caronia* of the Cunard Line. The United States Lines had no direct passenger service to Italy.

Many of the delegates patronized the ships of the United States Lines on their return.

Copies of correspondence concerning the trip of the Chamber of Commerce of the United States of America are appended hereto, comprising the following:

"March 17, 1922: E. I. Ober, of Ober's Steamship & Tourist Agency, Washington, D. C., to United States Lines, asking if United States Lines could transport delegates of American International Chamber of Commerce to Europe.

"March 22, 1922: United States Lines' reply to above.

"March 27, 1922: E. E. MacNary, general passenger agent, United States Lines, to E. I. Ober, stating United States Lines can accommodate above party of 200 delegates, provided sailing is put off until September.

"March 28, 1922: E. I. Ober to E. E. MacNary, replying to above, stating it will be decided in a week or 10 days when and where this convention will be held.

"March 30, 1922: E. E. MacNary to Alvin E. Dodd, National Chamber of Commerce, asking his aid in having delegates use ships of United States Lines.

"April 5, 1922: E. I. Ober to E. E. MacNary, stating meeting of International Chamber of Commerce in Paris or Rome has been postponed until March, 1923.

"April 11, 1922: E. E. MacNary to E. I. Ober, acknowledging above.

"January 23, 1923: Telegram from Henry P. Wright to R. I. Dunigan stating 100 passages booked last July on Cunard steamer *Caronia;* that Shipping Board and International Mercantile Marine Co. did not bid though requested to do so."

The reason why the United States Lines did not secure the transportation of the members of the United States Chamber of Commerce was undoubtedly because it did not have a passenger service running direct to Italy. The Shipping Board does not know what the reasons are that prevented it from securing the transportation of the members of the American Bar Association.

Very respectfully,

EDWARD P. FARLEY, *Chairman.*

(Inclosures.)

AMERICAN BAR ASSOCIATION,
December 31, 1923.

Hon. WESLEY L. JONES,
United States Senate, Committee on Commerce,
Washington, D. C.

MY DEAR SENATOR JONES: I have your letter of December 28, and I think I have written you that in reply to a letter which I received from Senator WILLIS, of your committee, concerning the matter referred to in your letter I wrote him a letter of which the inclosed is a copy.

I wish to add a statement which has not heretofore been made by me in connection with this matter.

Another charge was made in the public press that the United States Shipping Company were denied a hearing by our committee.

I wish to assert emphatically that that is a misstatement of fact. One request for a hearing was made by them and that was granted, and their representative appeared before our committee to make a preliminary study of the situation to determine whether or not we should accept the invitation to go to London, which committee met at Mr. John W. Davis's office in New York.

No subsequent request to appear before a committee of this association was made by the representatives of the United States Lines. Had such a request been made it would most assuredly have been granted.

Very truly yours,

FRED E. WADHAMS,
Treasurer.

[Copy of the letter of Frederick E. Wadhams, treasurer of the American Bar Association, to Senator WILLIS in reply to his inquiry concerning the facts relative to the selection of a foreign steamship for the London trip of the American Bar Association.]

DECEMBER 28, 1923.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR WILLIS: Your letter of December 20 to Mr. W. Thomas Kemp, secretary American Bar Association, Baltimore, Md., was by him sent to me for answer since I, acting for our committee of arrangements for the London meeting, had conducted the negotiations with the various steamship companies.

I want most earnestly to denounce as unfair and wholly unwarranted the attack upon our association because of the selection by us of the *Berengaria*, of the Cunard Line, for our London trip.

My negotiations with the United States Lines began, as I find by reference to my files, as long ago as December 26, 1922. I then gathered certain information from the various steamship lines and presented it at the meeting of our executive committee January 15 and 16, 1923.

I took particular pains to give the United States Lines every possible opportunity to secure this business. I was in frequent touch with them. My files contain 11 letters that I received from them, and I made frequent calls at their offices in New York conferring with the passenger traffic manager.

The date of sailing was a most important factor in my negotiations with the steamship companies, since it was necessary that our special meeting in London should be held in July for the reason that when

the English bar presented their invitation they especially called attention to the fact that according to ancient custom their long vacation would begin on August 1. We were, therefore, obliged to set a date of sailing that would bring us to London in time to hold our meeting there before the long vacation and also enable us to hold our annual meeting in this country before sailing and after the national holiday of July 4. We were, therefore, practically forced to select July 12 as the date of sailing, because that would allow us to hold our annual meeting after July 4 (say, July 8, 9, and 10) and would bring us to London July 18 or 19, so that we would have the week beginning Sunday, July 20, for our meetings and the functions and entertainments incident to our stay in London.

On the afternoon of the day of the last meeting of the committee of arrangements for the London meeting, which was held in New York October 31, 1923, I called at the office of the United States Lines for the purpose of making a final effort to get the date of sailings in July, 1924, of the *Leviathan*. I had had various conversations concerning that ship and also the *George Washington*. I told the passenger traffic manager that the committee of arrangements for the London meeting would meet that night and that I particularly wanted the date of sailing of the *Leviathan*. He told me again that he could not furnish me with the date of sailing of that ship, but he gave me the date of sailing of the *George Washington* as of July 5, which was too early for us. I was, therefore, obliged to appear before the committee that night without being able to give them any information as to the date of sailing of the *Leviathan*.

The only vessels with adequate accommodations that the United States Lines had to suggest were the *Leviathan* and the *George Washington*. They stated that the *George Washington* had first-class accommodations for only 450 persons, which was entirely inadequate for our needs. I have already received at this early date over 800 applications for first-class cabin accommodations.

I also discussed this matter with the representatives of the White Star Line and the Cunard Co. The latter company agreed to change the date of sailing of the *Berengaria* to conform to our convenience, fixing it at July 12, when the regular date of sailing had already been fixed for July 15.

The *Berengaria* has first-class cabin accommodations for about 900 persons, on all of which we have secured an option.

Under these circumstances I made my report to the committee of arrangements which met in New York that evening, October 31, 1923. There were present at this meeting Judge Parker, the chairman of the committee, and Messrs. George W. Wickersham, Paul D. Cravath, William Brosmith, Harold B. Beitler, and myself. The committee concluded to accept the Cunard Co.'s offer and to contract without further delay for the *Berengaria*.

I feel justified in saying to you that the representatives of the United States Lines in my negotiations with them seemed indifferent and apathetic. I have since learned what I firmly believe to be the reason for this attitude toward us. It seems that an association known as the Associated Advertising Clubs of the World began negotiations with the United States Lines in September last for the purpose of securing vessels to take their party abroad next July. I am informed that from 1,500 to 2,000 of their members will go to London on two ships of the United States Lines, namely, the *Republic*, which is scheduled to sail July 2, and the *Leviathan*, which, it now appears, will sail on July 5, both vessels arriving in Southampton about the same time. During all of my negotiations with them I talked about a party of 800 or 900 persons. May it not be inferred that the representatives of the United States Lines were not keen to accommodate us with a date of sailing in the month of July, when they had in prospect a party of from 1,500 to 2,000 persons?

I am reliably informed that the manager of the United States Lines prophesied that we would not have more than 700 people in our London party. Therefore it was quite natural from a business standpoint that he should hesitate to commit himself to us when there was a very good prospect of obtaining the business of the Advertising Clubs, who would have a party of from 1,500 to 2,000 persons.

Very truly yours,

———— ————,
Treasurer.

———

UNITED STATES LINES,
New York, January 5, 1924.

Hon. WESLEY L. JONES,
United States Senate, Committee on Commerce,
Washington, D. C.

MY DEAR SENATOR JONES: I return to you Mr. Wadhams's letter of December 31, together with the mimeographed copy of his letter of December 28 to Senator FRANK B. WILLIS. For your information, I am also inclosing a copy of our answer to the Senate resolution.

I must first take up the issue raised by Mr. Wadhams in his letter to you that the request for a hearing is a misstatement of fact. Our statement was that we had requested permission to attend meetings. You will observe, in my letter of February 16, in the penultimate paragraph, that I stated that I would be in Washington on the 23d (February, 1923) to take care of some detail in connection with our new office, and that if I could be of any assistance to Mr. Wadhams before the committee at that meeting to consider me at his disposal. We never received an acknowledgment of this. Additionally, on the last day of my personal contact with Mr. Wadhams—October 31—in the office of the United States Lines, I discussed this movement with him for at least one hour. I say emphatically that I asked him to permit me to attend this final meeting and was advised by Mr. Wadhams that this was not possible. On the other hand, I walked with this gentleman from our reception room to the main entrance of our office and asked him to pledge himself personally to take our part because I would not be allowed to attend.

The fourth paragraph of Mr. Wadhams's letter states that I was invited to a meeting in Mr. Davis's office. Quite true, but two of the highest officials of the Cunard Line were in attendance at this meeting while I was waiting in an anteroom. At this point I wish to call your attention to the fact that the American Bar Association did not of its own accord take up the matter of transporting its members with the United States Lines. It was through confidential information received on October 18 that caused the solicitation. A Mr. Copeland, of the Cunard Line, had already been in touch with Mr. Wadhams several times before we knew of this situation.

I will now take up the items in Mr. Wadhams's letter to Senator Willis:

In paragraph 4 of the letter it quotes: "I took particular pains to give the United States Lines every possible opportunity to secure this business." I question this very strongly. In all of my personal meetings with Mr. Wadhams and through the sense of the correspondence, it appears that we were not given the same opportunity as was given the Cunard Line. Evidently the American Bar Association committee assumed that the United States Lines was not prepared to provide a steamer to carry their delegation when, as a matter of fact, we were going as far as their committee would permit us to assure them that we were ready and anxious to carry them. To be very frank, the idea of inviting the committee on the trial trip of the steamship *Leviathan* was because of my belief that our chances were waning and that with this committee on board the steamer for five days we could conclude the matter expeditiously.

Great stress is laid on the absence of a date of sailing. This would not have been any obstacle to the committee had they sincerely wished to engage either the steamship *Leviathan* or the steamship *George Washington*. We had made no commitments whatever on these two steamers, but were holding the space open pending a decision on this particular traffic. What we did say to Mr. Wadhams in regard to the sailing dates was that no dates had been set, and had our direct offers been made to the committee the steamer could have been engaged the same day. As to giving a sailing date of the steamship *George Washington*, it was simply an estimate date based on our quota requirements for arrival on the 1st of August.

When this movement first started it was my understanding that the affairs would be handled by the secretary and treasurer and our negotiations continued without much interruption for nearly a year under that program. In the middle of October a new committee was appointed, as I understand it, to take the matter out of the hands of Mr. Wadhams. This committee apparently gave little consideration to the United States Lines or the advantages of confining the movement under strictly American auspices.

The inference which Mr. Wadhams draws in the next to the last paragraph of his letter concerning the Associated Advertising Clubs of the World is made without knowledge of the facts. He infers that the bar association could not have the steamship *Leviathan*, as we were suspending the steamship *Leviathan* for the Associated Advertising Clubs. Being intimately acquainted with the arrangements made for these various movements, I will say to you definitely that neither the Associated Advertising Clubs or the United States Lines at any time contemplated the use of the steamship *Leviathan* for the trip of the Advertising Club to London. Up to the time we were officially advised by the American Bar Association that they had selected the steamship *Berengaria*, the Advertising Club negotiations only involved the chartering of the steamship *Republic*. We are still negotiating with them. It may be possible, under the present circumstances, that they will request a small allotment of space on the steamship *Leviathan*. This had not been done, however, when we were negotiating with the American Bar Association.

In reference to the prophecy made by the manager of the United States Lines that the bar association would not have more than 700 people, I wish to explain that this was a forecast made by myself. When I first met Mr. Wadhams he spoke in terms of two or three thousand people. The reduction from that number to that of seven to nine hundred was my judgment of the amount of traffic which would be handled. From a traffic standpoint this is based on experience, but with this fact in mind we were still hoping that we could secure this business for the steamship *Leviathan*.

I trust that you will have the time to consider the written correspondence fully. Our solicitation of this business, in behalf of the United States Lines, began with a personal appeal for the support of the American merchant marine; the influential status of the organization was pointed out, and the ultimate effect of such an important movement on other Americans was stressed. Assurance was also given Mr. Wadhams that the members of the American Bar Association would be making no personal sacrifice in sailing on a vessel operated by the United States Lines, but would be availing themselves of a service which is stated to be unequaled by any other Atlantic line. Since we learned the American Bar Association is planning to sail on the Cunard Line, we have made up our schedule in accordance with our regular traffic demands.

Very truly yours,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
December 15, 1922.

UNITED STATES LINES,
44 Broadway, New York City.
(Attention of Mr. H. H. Hawthorne.)

GENTLEMEN: Mr. W. Thomas Kemp, of Baltimore, our secretary, writes me under date of December 13 that your Mr. Hawthorne had called to see him with regard to a possible meeting of the association in London in 1924 and that you talked with him concerning vessels to convey us if we decided to go.

I am leaving for New York this afternoon and will call your office on telephone to-morrow morning, and, if possible, I would like to have a conference with Mr. Hawthorne, and we can arrange the time if it is possible for me to see him to-morrow when I telephone you, which I will do about 9.30 o'clock to-morrow morning.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

AMERICAN BAR ASSOCIATION,
December 24, 1922.

R. I. DUNIGAN, Esq.,
Assistant General Passenger Agent,
45 Broadway, New York.

DEAR SIR: I am desirous of sending out letters to some of our prominent members that I may ascertain what the probabilities are concerning the attendance at the London meeting and wish to secure replies to my letter before our executive committees meet on the 15th of January.

I wish to make some reference in my letters as to the probable expense of passage, though I do not expect you can give me at this time definite information on that subject.

When may I expect to hear from you concerning this matter?

Yours truly,

FREDERICK E. WADHAMS, *Treasurer.*

UNITED STATES LINES,
December 26, 1922.

Mr. FREDERICK E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: I must at first thank you for the courtesy of your visit to our office in connection with the proposed tour of the American Bar Association to London.

From my understanding of the personnel which makes up the American Bar Association, I can see no steamer which would cover the varied requirements other than the famous steamer *Leviathan.* Your association numbers, among its members, men not only from the average financial standing of men in America, but to those who can pay and expect to find the very highest grade of accommodations designed. With this in mind any steamer selected would have to have highly desirable second-class rooms, first-class rooms with a wide range of selections, and, finally, accommodations de luxe and suites found in the most approved type of American hotels. I know of no steamer flying the American flag that can compare in 1924 with the steamer *Leviathan.*

I will briefly mention some of the characteristics of the steamer *Leviathan,* which I know will be interesting to your members:

Length, 949 feet 9 inches.

Breadth, 100 feet.

Displacement tonnage, 66,800.

Complement of crew and passengers.

Total officers and crew	1,115
Passengers, first class	976
Passengers, second class	542
Passengers, third class	944
Passengers, fourth class	936
Total passenger capacity, souls	3,398

It is expected that this steamer will make from 22 to 24 knots per hour. I would like to point out, as general information, such items as $5,595,000 for reconditioning and conversion to an oil burner and about $3,000,000 for equipment and decorations. The entire high-grade passenger traveling public is awaiting the commission of this steamer with great interest, as she will be the flagship of what we expect to be a paramount American merchant marine.

It is rather early to forecast with a degree of accuracy what the first and second class rates will be for this steamer in 1924. I can only offer what are expected to be her rates in this coming year. The minimum first-class rate should not exceed $270 per person. The second-class rate to an English port should not exceed $135. These rates, of course, will be higher in proportion to the accommodations selected and will extend in the first class as high as four or five thousand dollars per suite. I hope, in quoting these rates, that some latitude will be permitted, as the steamer is not yet classified for rating purposes.

In advocating this steamer and soliciting your personal cooperation in having the American Bar Association avail of transportation facilities offered under the American flag, I am acting, first, from a sense of duty for my position and, secondly, from the sense of just pride in what has been and what will be accomplished in the development of our passenger marine. It is inspiring at this date to see our passenger vessels leaving with their accommodations so well filled after contemplating the fact that we have formerly been compelled to use like facilities controlled by foreign interests. With these thoughts in mind I bespeak for your special aid and efforts to confine this movement to the United States Lines and let the visit of the American Bar Association be under the auspices of the American flag.

Very truly yours,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
December 28, 1922.

R. I. DUNIGAN,
Assistant Passenger Traffic Manager,
45 Broadway, New York City.

DEAR MR. DUNIGAN: I have received your letter of December 26, and thank you for it.

Will you please inform me how many days would be spent in the passage of the steamship *Leviathan?*

It seems to me that we talked about there being no distinction between the first and second class passengers. That is, the second-class passengers had the same privileges, including dining rooms etc., as the first class so that, as a matter of fact, your minimum rates would be $135 per person and no mention made of first or second class.

My thought is that I don't like the idea of having a man admit that he is traveling second class. What have you to say on that point?

Also, should you not quote us price on some other steamer that would not cost as much as the *Leviathan?* I hardly think the cheaper steamer would be taken but it would be useful to have the price by way of comparison.

Please give me time required for the passage on any other steamer which you see fit to mention to us.

Very truly yours,

FRED. E. WADHAMS, *Treasurer.*

JANUARY 4, 1923.

Mr. FREDERICK E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: I have been delayed in answering your favor of December 28 on account of the holidays.

The steamship *Leviathan* is expected to make the trans-Atlantic trip in five and one-half days. In agreement with our discussion, there will be no difficulty on our part of abolishing the first and second class distinctions for the purpose of the trip; and if that was done at the time, the minimum rate will have to be the minimum first-class rate. The agreement among the steamship lines would not permit this otherwise, as this would throw the first class into a second-class status. As a matter of fact, by such a translation of accommodations the second class would become first class instead of inversely, so the $135 rate would not obtain if this class distinction was maintained. I agree with you that anyone making the trip with the association would not care to be in a second-class classification. On the other hand, I do not think that the minimum first class would be prohibitive.

The nearest approach to the steamship *Leviathan* would be our famous steamship *George Washington,* and this steamer would take care of sufficient persons in the first class under the arrangement which we contemplate on the steamship *Leviathan;* that is to say, the first

and second class could be melded into first class only. The minimum of the steamship *George Washington* would begin at $230 for the summer season and increase in price according to the accommodations selected. The steamship *George Washington* retains all of her original beauty and is now well known historically. You will recall that ex-President Wilson made several trips to and from the Versailles conference, and the quarters occupied by himself and Mrs. Wilson are known as the "presidential suite." Throughout the first class there are other suites which are called "grand suites," and cabins de luxe in ample numbers. The speed of this steamer is about 18 knots and her crossing in the summer to Plymouth is about seven days.

There are many other salient points about the steamship *George Washington* which make her the wonder ship of our fleet to-day; but as the steamship *Leviathan* will be heralded as the paramount flagship of the American merchant marine, I would say that she is the appropriate steamer for the occasion.

From time to time I will be indeed willing to give you whatever information and assistance you require, whether it is directly about the steamers or any other point about the passage. There also may be matters about England and the questions about London which we may save you time and investigation. If so, please do not hesitate to make use of our time and facilities.

Yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

THE UNION NATIONAL BANK,
January 23, 1923.

UNITED STATES LINES,
45 Broadway, New York City, N. Y.

GENTLEMEN: Kindly give us the date and any other information which you might have regarding the American Bar Association conference in London, as we expect to send out circulars for this occasion.

Thanking you very much, we are,

Yours very truly,

THE UNION NATIONAL BANK,
———— ————,
Manager Foreign Department.

JANUARY 25, 1923.

Mr. FREDERICK E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: I have just received a letter from the Union National Bank, signed by the manager of their foreign department, requesting that we give the date and any other information in regard to the American Bar Association in London, stating that they expect to send out circulars for this occasion.

I am not certain as to what you wish me to do in the matter and shall appreciate your instructions.

Yours very truly, R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
January 26, 1923.

R. I. DUNIGAN,
Assistant Passenger Traffic Manager United States Lines,
45 Broadway, New York City.

MY DEAR MR. DUNIGAN: Your letter of the 25th is received.

At the meeting of our executive committee held on January 15 and 16 a subcommittee was appointed to make a survey of the association concerning the proposed meeting in London in 1924. That committee will report to the executive committee at our annual meeting which will be held in Minneapolis on August 29, 30, and 31, and then the executive committee as it then exists will be in a position to fix the time and place for holding our annual meeting in 1924, so the matter will not be finally decided whether we meet in London in 1924 or not until August 31, 1923.

You will understand the executive committee of 1923 can only decide for the meeting to be held in the year 1923, and can not decide for the meeting to be held in 1924.

From the investigations which we will make we will be able to predict between now and our meeting in August what the result will be, and I shall be glad to report to you from time to time what we find from our inquiries made relative to the wishes of the members of the association.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

AMERICAN BAR ASSOCIATION,
January 29, 1923.

R. I. DUNIGAN, Esq.,
Assistant General Passenger Agent,
United States Lines, 45 Broadway, New York City.

DEAR SIR: Our committee, which has in charge the plan of holding our annual meeting in 1924 in London, will meet in the office of Hon. John W. Davis, president of the association, at No. 15 Broad Street, New York City, on Saturday morning of this week at 9.45.

I would thank you if you could appear before our committee some time during the forenoon, say, at 11 or 11.30, that we may confer together concerning the matter.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*
UNITED STATES LINES,
January 31, 1923.

Mr. F. E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: Thank you very much for your letter of January 29 asking that I appear before your committee on the morning of Saturday, February 3.

I shall be pleased to attend and hold myself in readiness to assist the committee to the greatest extent possible.

With appreciation, I am

Yours very truly, R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

FEBRUARY 5, 1923.

(Memorandum re American Bar Association.)

In accordance with the next attached letter from Mr. Wadhams, I attended a meeting of the committee at the office of the Hon. John W. Davis, 15 Broad Street, this afternoon.

There were about seven gentlemen present, including Mr. Davis and Mr. Wadhams.

Previous to my call before the committee Mr. Whatmough and Mr. Borer, of the Cunard Line, came out.

We discussed rates and the capacities of the *Leviathan* and *George Washington* for the movement of the bar association, which will number about 900 first class. The sailing to be between July 10 and July 15, 1924. The difficulties of prohibition were discussed, but the committee seemed indulgent in the matter and did not record it as a definite obstacle. A proposition was made to the committee by the Cunard Line that they would furnish the entire first-class accommodations of one of their largest steamers at a flat summer minimum in effect at the time of sailing; that they would sell the accommodations on behalf of the bar association at full tariff rates, thereby permitting the association to make the net profit. The question was asked as to whether we would do the same. I promised them a definite answer, but pointed out that it was a violation of the agreement among the lines. I stressed the obvious fact that the association should sail under the American flag on a United States Lines Government-owned steamer. The attitude of the committee was decidedly friendly.

The result of the interview was reported to Mr. Rossbottom and Mr. Rutherford. In discussing the Cunard's proposition Mr. Rossbottom pointed out that while he did not like the idea, still we could sell the association the accommodations at the minimum rate outright and, in turn, act as their agents in disposing of the space. As it is essential that this movement should be confined to our line, the attached letter to Mr. Wadhams and a copy to Mr. John W. Davis will be sent.

R. I. DUNIGAN.

UNITED STATES LINES,
February 5, 1923.

Mr. F. E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: I wish to thank you for the privilege of appearing before your committee on Saturday last and the opportunity given for meeting the gentlemen in question.

The first-class carrying capacities of the steamship *Leviathan* and the steamship *George Washington*, with their minimum summer rates based on 1923 facts, would be as follows:

Steamer.	Capacity.	Rate (minimum).
Leviathan	976	$270
George Washington	948	231

We offer the choice of these steamers for the movement of your association in mid-July, 1924, from New York to Plymouth at the above-mentioned summer minimum rates or whatever summer minimum rates are in effect in July, 1924. As the question of other arrangements for the sale of accommodations was brought up by your committee, I desire to inform you that we are prepared to name the same terms and conditions as have been or will be advanced by any of our competitors.

Please note that the actual first-class carrying capacity of the steamship *Leviathan* is 976 persons; the carrying capacity of the steamship *George Washington*, namely, 948, is to be made by combining the permanent first class and second class into one first class without distinction.

Our interest in the transportation of your association will continue until final action by your executive committee, and accordingly please consider our services at your disposal.

With appreciation, I am,

Yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
February 8, 1923.

R. I. DUNIGAN, Esq.,
Assistant Passenger Traffic Manager United States Lines,
45 Broadway, New York, N. Y.

MY DEAR MR. DUNIGAN: I have your letter of February 5, and thank you for it.

I want to be in a position to state what it will cost for a passage per person from New York to Southampton or Plymouth or other landing point in England.

As I understand it, if the *George Washington* should be selected, you could make the entire capacity of the ship first class and you could accommodate 948 persons and the minimum charge for each one would be $231. Am I to understand from that that no matter what the room is that is assigned to our members, they would each one of them pay for the room they occupy, provided that is our wish, $231? I understand that you suggested that we could ourselves grade the accommodations for 948 people, charging some of them $231, the minimum price, and others a larger price to correspond with the accommodations offered—that is, some rooms have bath and other luxuries, and so whoever occupied them would naturally be willing to pay an additional price in order to secure them.

Can you tell me, please:

1. How many rooms have you in the *George Washington* for which you charge ordinarily and regularly the minimum $231 per person?

2. How many persons occupy each of such rooms? In other words, how many people can you carry for the minimum rate of $231?

3. About what do the persons who do not occupy the minimum rooms at $231 per person ordinarily pay and how many persons do you carry at such a charge?

I would like to get the same information concerning the *Leviathan*. As I understand it, you do not propose to combine her first and second class rooms in one class, and on the *Leviathan* there would be some first class and some second class.

We are to have a meeting in Washington on the 23d of this month which will be attended by people, I expect, from all over the United States. I want to be able to tell them and to communicate generally with our members concerning the cost of going to London.

I have never been over but once and then I went on the *Imperator* and returned on the *Mauretania*. There will be a large number of our members who will go who never have been abroad before; I am surprised myself, in talking to different lawyers, to find so many of them who have never been over once, and the first question that will come up will be, What will it cost me per person? I want to be able to answer that question.

The minimum price charged for the *Mauretania* is $264, but they only have 10 rooms at that price. I can hardly think this is a fact and believe there must be many more than 10 rooms at the minimum charge. I suppose they would expect to get two or three persons in each room, but, supposing they did, the 30 people that would so be charged the minimum price would constitute a very few, whereas we must furnish accomodations for several hundred, and I want to know what the average price will be for those who exceed in numbers, we will say, 30 people, who would occupy all of the minimum rooms furnished by the *Mauretania*.

Of course, I am asking the price on your steamers and not on the Cunard Steamship Lines, and I fully understand that you will be prepared to furnish the same terms and conditions that are given us by any other line. I am not expecting that you will give me now absolutely the exact cost, but I want to know and be able to tell those who inquire what it will probably cost per person. Can you give me a statement that will be perfectly plain and approximate?

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

AMERICAN BAR ASSOCIATION,
February 14, 1923.

R. I. DUNIGAN, Esq.,
Assistant Passenger Traffic Manager,
United States Lines, 45 Broadway, New York City.

MY DEAR MR. DUNIGAN: I hope you will excuse me, but I am very anxious to be in possession of the facts along the lines mentioned in my letter of February 8 before I leave for Washington on the 20th of this month. There is to be a large gathering of lawyers throughout the United States in Washington to attend a meeting and I want to be able to impart information concerning approximate expenses attending our meeting in London. I realize that date of our meeting is some distance off, but the trouble is the people I must communicate with are "some distance off" also and I want to embrace every opportunity offered by personal contact with our members from different parts of the United States, hence my desire to get this information without fail in time to take it to Washington with me when I leave on the afternoon of the 20th.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

UNITED STATES LINES,
February 16, 1923.

Mr. F. E. WADHAMS,
Treasurer American Bar Assocation,
78 Chapel Street, Albany, N. Y.

MY DEAR MR. WADHAMS: I have delayed answering your favors of February 8 and 14 pending the receipt of definite deck plans of the steamship *Leviathan*. I have these now, and therefore am able to take up categorically the questions in your first letter.

Your understanding that we will combine the first class and second class capacity on the steamship *George Washington* to accommodate 948 persons, or thereabouts, at the minimum charge of $231, is correct. If, as you stated at the last meeting, you require a flat minimum rate to meet your own situations and the competition offered by a foreign line, I confirm the wording and intent of my letter of February 5, to wit, that we are prepared to name the same terms and conditions as have been or will be advanced by any of our competitors. The practical operation of such a procedure would be that the accommodations would be given to your association at the minimum rate and we, in turn, would dispose of them at an agreed schedule prepared by yourselves, or according to the regular tariff schedule, which we have for the United States Lines. I have no doubt that you will be able to dispose of the accommodations in the same manner as ordinary traffic offers to our own line at such a season.

Answering your queries:

No. 1. There would be about 120 rooms with capacity of 460 people, for which we ordinarily charge the regular minimum of $231 per person.

No. 2. The accommodations in the above rooms are for 460 persons

No. 3. To answer this question we would have to take all of the accommodations above the minimum-priced rooms and say that the average first-class rate on the steamship *George Washington* from the point of minimum to the point of maximum would be $325. As to the steamship *Leviathan*, there are 35 rooms with capacity for 95 persons on this steamer for which a minimum rate of $269.50 or $270, whichever it may be, would apply. The average rate would be, in first class, about $450.

As the first class on the steamship *Leviathan* has a sufficient capacity for our purposes, there would be no need for using this space unless you would find some isolated cases where the passenger would require a second-class rate. The second-class rate on the steamship *Leviathan* will be $145.

It is a remarkable fact that the successful busy men of America have in few instances made an ocean voyage, and I would not be surprised if this is not true of more than 60 per cent of your association. To be able to say what the cost will be per person is best handled, in my judgment, by the statement that there will be several hundred accommodations at the rate of $231, and after that it will depend on the individual desires or financial capacity of the traveler.

I have expressed our position in previous letters to the effect that the quotations of rates are based on the present rates without anticipation that there will be an increase. From my experience and forecast of traffic for next season the rates will either be the same or slightly lower. If so, all trans-Atlantic passenger lines who are members of the steamship conference will be similarly affected.

I trust that the foregoing is clear and will be of the required assistance at the meeting. I might state at this junction that I will be in Washington on the 23d taking care of some details in connection with our new office at 1419 G Street NW. If you believe that I would be

of any personal assistance to you before the committee while in Washington, I am sure that you will not hesitate to call on me and I shall be glad to place myself before your disposal on that date.

With appreciation for your letters and with kind regards, I am,

Yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

UNITED STATES LINES,
April 2, 1923.

Mr. F. E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: Just a little reminder to let you know that I am still thinking about the trip of the American Bar Association, and wondering if you will not let me hear the present status.

You know how intensely I wish to confine this to our steamers, and trust I have your support in the same.

With kindest regards, I am very truly yours,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
April 5, 1923.

R. I. DUNIGAN, Esq.
Assistant Passenger Traffic Manager,
45 Broadway, New York City.

MY DEAR MR. DUNIGAN: I have your letter of the 2d instant.

We have decided to send out a letter to the members of our general council, there being one man from each State, and also to the vice president of each State and four members constituting the local council in each State, telling them of the invitation received and asking their views concerning its acceptance.

It has been suggested that we divide our meeting, holding a part of it at some eastern point and then the balance of it in London. This will avoid any criticism, we think, on the part of our members who otherwise would be deprived of attending the annual meeting in 1924 if they are unable to go to London.

This plan has not yet been announced and, therefore, it is not for publication and I would thank you if you would so consider it.

We will know more about this matter when we get replies to the letters which we will soon send out.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

UNITED STATES LINES,
April 9, 1923.

Mr. FREDERICK E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

DEAR MR. WADHAMS: Many thanks for your very kind letter of the 5th advising me of the present status of the bar convention. I will consider the matter confidential and will hope to hear from you again as soon as the matter has assumed a more definite aspect.

Yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
June 28, 1923.

R. I. DUNIGAN, Esq.,
Assistant Passenger Traffic Manager,
45 Broadway, New York City.

MY DEAR MR. DUNIGAN: I am taking this liberty of sending you clipping from the Albany Evening News, issue of June 27, which contains a story which I gave one of their reporters yesterday. I hope the facts are stated correctly.

Permit me to assure you that Mr. Kemp and I enjoyed very much the cruise on the *Leviathan.*

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

UNITED STATES LINES,
June 29, 1923.

Mr. FREDERICK E. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Albany, N. Y.

MY DEAR MR. WADHAMS: I have received your kind favor of the 28th inclosing clipping from the Albany Evening News, for which please accept my sincere thanks.

Yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

UNITED STATES LINES,
August 23, 1923.

Hon. FRED. A. WADHAMS,
78 Chapel Street, Albany, N. Y.

MY DEAR MR. WADHAMS: I take pleasure in introducing through the medium of this letter Mr. H. A. Highman, vice president of the Raymond & Whitcomb Co.

No doubt you will recall one of my last conversations on the *Leviathan* regarding the many difficulties which you would have in making fixed arrangements for your association while abroad, and I suggested at the time that an organization like the Raymond & Whitcomb Co. would be the solution of what appeared to be your major difficulties. If you will also remember, Mr. Kemp thought very well of the suggestion.

Mr. Highman's position in the Continent tourist work is well known, and I am sure he will be of great assistance to you.

With kind regards, I am yours very truly,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
September 15, 1923.

Mr. R. I. DUNIGAN,
Assistant Passenger Traffic Manager,
45 Broadway, New York City.

MY DEAR MR. DUNIGAN: I have received your letter of August 23 wherein you introduce Mr. Highman, vice president of the Raymond & Whitcomb Co., and have filed the same for future consideration.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

AMERICAN BAR ASSOCIATION,
September 15, 1923.

Mr. R. I. DUNIGAN,
Assistant Passenger Traffic Manager,
45 Broadway, New York City.

MY DEAR MR. DUNIGAN: The association voted unanimously to accept the invitation of the British bar to hold our meeting in London next summer. It was decided that we would hold a full and complete meeting of the association the same as we usually hold before going to London and that that meeting would be held in some Atlantic seaboard port. It will undoubtedly be held in New York and immediately following that meeting we will sail for London.

This is in accordance with my expectations, but at the same time it is a great relief to know that we are to make the trip.

The Canadian Bar Association also accepted the invitation of the British bar to met in London with us. They will, however, sail from some Canadian port.

I attended the annual meeting of the Canadian Bar Association last week in Montreal and we arranged to have one of their representatives meet us in New York within the next month or six weeks and talk over the plans for the meeting. When that meeting is held we will be in a position to confer further with you concerning the matter.

Very truly yours,

FREDERICK E. WADHAMS, *Treasurer.*

UNITED STATES LINES,
September 18, 1923.

Mr. FREDERICK R. WADHAMS,
Treasurer American Bar Association,
78 Chapel Street, Abany, N. Y.

MY DEAR MR. WADHAMS: I must thank you for your note of September 15 giving me further information about the meeting that the association will hold in London next summer. It is good news that the Canadian Bar Association has also accepted the invitation of the British bar to meet in London with you.

If I can be of any advantage to you when you have the next meeting, please do not hesitate to call on me. I am at your disposal at that time.

A most important question for you to consider would be which one of our ships would be the most suitable for the transportation. As I explained to you in our last meeting, it would be necessary to secure the consent of the management to use the combined first and second class on the steamship *George Washington* as one entire first class for the purposes of the trip; and, further, that your committee would have to inspect the steamer and confirm that such a combination of classes would be satisfactory.

Very truly yours,

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

OCTOBER 1, 1923.

Memorandum.

Mr. BORING:

Answering for Mr. MacNary your memorandum of September 24 in reference to our plans for securing the business of the delegates to the American Bar Association to be held in London, July, 1924: We have been working on this since October, 1922, and have met all the principals. I have attended an executive meeting in the office of Hon. John W. Davis, who brought back the official invitation and urged the acceptance by the American Bar Association. I have continuously been in touch with Mr. Frederick Wadhams and Mr. W. Thomas Kemp, who are the steering committee. I had these gentlemen on the trial trip of the steamship *Leviathan* and secured invitations for them from Chairman Lasker. We have submitted the characteristics of the steamship *Leviathan* and steamship *George Washington*, and after continuous discussions of the two steamers it appears that they are inclined to use the steamship *George Washington*. There will be some scattered bookings on the steamship *Leviathan*, probably of those who decide to travel apart from the party.

I have a letter from Mr. Wadhams, dated September 15, which states that the Canadian Bar Association has also accepted the invitation of the British bar to meet in London with the American Bar Association. They will sail from a Canadian port. There is to be a meeting in New York very shortly, when final plans will be discussed, and Mr. Wadhams states that he will then be in a position to confer further with me concerning the movement.

You can assist us directly by placing a suitable advertisement in the American Bar Association Journal, which is the immediate appropriate medium for reaching the members of the American Bar Association.

R. I. DUNIGAN,
Assistant Passenger Traffic Manager.

AMERICAN BAR ASSOCIATION,
Albany, N. Y., November 9, 1923.

R. I. DUNIGAN, Esq.,
Assistant Passenger Traffic Manager United States Lines,
New York, N. Y.

MY DEAR MR. DUNIGAN: After a careful consideration of the time of sailing, rates, and the accommodations offered by your line and that offered by the International Mercantile Marine and Cunard Line, the committee on transportation decided that the *Berengaria* was the most desirable steamer for our purposes, her date of sailing being fixed for July 12, and so that steamer was selected by the transportation committee and report made accordingly to our executive committee, which committee has now ratified our action.

The transportation committee did not think it advisable to unite the first and second cabins of the *George Washington*, and, furthermore, her date of sailing, July 5, was too early, since we must hold our regular annual meeting for three days before sailing.

I want to thank you for the very courteous attention which you extended to us in this matter.

Very sincerely yours,

FREDERICK E. WADHAMS, *Treasurer.*

INTERNATIONAL CHAMBER OF COMMERCE CONVENTION IN EUROPE.

OBER'S STEAMSHIP & TOURIST AGENCY,
Washington, D. C., March 17, 1922.

UNITED STATES LINES,
45 Broadway, New York City.

GENTLEMEN: At the request of Mr. John F. Proctor, an official of the American International Chamber of Commerce, headquarters in this city, I called at his office to-day in connection with the contemplated trip to Europe for a party of delegates who will attend a conference to be held in Paris or Rome in June or September next. Mr. Proctor stated that there would be about 200 delegates to make this trip, and said that they would want to sail between May 20 and June 15 or August 15 and September 7. (The exact date will be decided within the next two weeks.) He wishes to know if you can accommodate them. Mr. Proctor states that they have made a number of trips to Europe, and that last year they had 150 people in their party, stating that all accommodations were at the minimum first-class rate regardless of rooms furnished.

Would appreciate very much if you will kindly advise me if you can handle this party. It has not been decided as yet when they will return, but that will be decided the same time as the eastbound date. I have all the plans of steamers to furnish him and would be glad if you will send sailing dates up to October 31. This is a first-class and sure proposition, and I trust that you will give it consideration.

Very truly yours,

E. I. OBER.

UNITED STATES LINES, *March 22, 1922.*

OBER'S, STEAMSHIP & TOURIST AGENCY,
No. 1 Woodward Building, Washington, D. C.

GENTLEMEN: We are in receipt of yours of the 17th instant relative to request of Mr. John F. Proctor of the International Chamber of Commerce. In reply, beg to advise that we will indeed be pleased to arrange, if possible, for this party provided, of course, that you can give us further particulars at a very early date.

We might mention that it would hardly be possible for us to arrange anything eastbound in June or westbound in September, but we would, of course, decide further on this just as soon as we hear from you.

Yours very truly,

UNITED STATES LINES,
Per ——— ———.

MARCH 27, 1922.

Mr. ERNEST I. OBER,
1 Woodward Building, Washington, D. C.

DEAR SIR: Confirming our conversation on the *Lone Star* March 23, we will be pleased to accommodate the party of 200 delegates, provided you can arrange to have the sailing put off until September. I am inclosing a copy of our present sailing list.

As I already have promised you, I will get in touch with Mr. Alvin Dodd in the International Chamber of Commerce and urge him to get behind the plan in order to assist you. If a personal representative of the lines will be of help in Washington send us a wire.

Yours very truly,

E. E. MACNARY,
General Passenger Agent.

OBER'S STEAMSHIP & TOURIST AGENCY,
Washington, D. C., March 28, 1922.

Mr. E. E. MACNARY,
General Passenger Agent United States Lines,
45 Broadway, New York City.

MY DEAR MR. MACNARY: Replying to your letter of the 27th instant relative to International Chamber of Commerce convention in Europe, beg to advise that I called on Mr. Proctor yesterday, and he informed me that it will be decided in about a week or 10 days as to when and where this convention will be held, and he promised to take the matter up with me at this time.

I do not think it would be worth while to have one of your representatives come to Wahsington on this case just now, but I do, however, think after this develops, that it would be a very desirable thing to send a representative to assist me in this matter, as I am particularly anxious to land this movement.

Had a bully good time on the *Lone Star State.*

Again thanking you for your courtesy, I am,

Very truly yours,

E. I. OBER.

UNITED STATES LINES,
March 30, 1922.

Mr. ALVIN E. DODD,
National Chamber of Commerce, Washington, D. C.

DEAR SIR: Confirming my talk with you on the telephone regarding the proposed trip of the representatives of the National Chamber of Commerce to the international convention, I would greatly appreciate if you will get behind the idea of having delegates travel on United States ships.

The United States Lines is a unit of the United States Shipping Board, and the surplus cash we take in goes directly back to the Government and reduces taxes. We have proven since we started operation, September 1, that Americans can operate a passenger fleet efficiently. Our ships are going out full, while other companies are having small sailing lists. This is because of the fine service we give and the extraordinarily fine table that is served on each of our ships.

If the delegates are to travel in September or the latter part of August, we can reserve sufficient room and can make the rates attractive. This last statement is unofficial and confidential.

Inclosed I am sending you sailing lists, first-class rate sheet, and some views of our ships.

Whatever you do to help this matter will be of service to the Government, and I assure you that the delegates when they have returned will feel that you had done them a service in suggesting the United States Lines to them.

Yours very truly,

E. E. MACNARY,
General Passenger Agent.

OBER STEAMSHIP & TOURIST AGENCY,
Washington, D. C., April 5, 1922.

Mr. E. E. MACNARY,
General Passenger Agent United States Lines,
45 Broadway, New York City.

DEAR SIR: Referring to our conversation while in New York and previous correspondence relative to meeting of the International Chamber of Commerce in Paris or Rome in June or September next, beg to advise that in conversation with the secretary of the Chamber of Commerce, this city, he informed me that the meeting has been postponed until March, 1923. I will keep in touch with this gentleman and of course take the matter up with him at some later date.

Very truly yours,

E. I. OBER.

UNITED STATES LINES,
April 11, 1922.

Mr. E. I. OBER,
Ober's Steamship & Tourist Agency,
1 Woodward Building, Washington, D. C.

DEAR SIR: This is to acknowledge your letter of April 5 stating that the meeting of the International Chamber of Commerce has been put off until next year.

Inclosed is a copy of my letter to Mr. Alvin E. Dodd, National Chamber of Commerce. It would do no harm to keep in touch with him.

Yours very truly,

E. E. MACNARY,
General Passenger Agent.

[Copy of telegram.]

WASHINGTON, D. C., *January 23, 1923.*

R. I. DUNIGAN,
Assistant Passenger Traffic Manager United States Lines,
45 Broadway, New York, N. Y.

United States Chamber of Commerce advise 100 passages booked last July Cunard *Caronia*. Shipping Board and International Mercantile Marine did not bid, though requested to do so.

HENRY P. WRIGHT.

RIGHT OF REPRESENTATION AT SENATE COMMITTEE HEARINGS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The reading clerk read Senate Resolution 118, submitted by Mr. SMOOT on the 9th instant, as follows:

Resolved, That any person, firm, corporation, Government department, or Government agency whose act or acts are subject to inquiry at any hearing or investigation conducted by any Senate committee under authority of Senate resolution shall have the right to be present at such hearing or investigation in person or by a representative and to be represented by counsel, and whenever the character, honesty, integrity, motives, or competence of any such person, firm, corporation, Government department, or Government agency shall be attacked or impugned they shall have the right to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony in their behalf and to introduce affidavits and other documentary or written evidence.

Mr. ADAMS. Mr. President, I wish to make a brief statement with reference to the resolution now before the Senate, Senate Resolution 118. I do so because I infer that the resolution had its inception in certain proceedings before the Committee on Public Lands, of which I am a member, and I make the statement because of the absence of the senior Senator from Montana [Mr. WALSH].

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. ADAMS. I yield.

Mr. SMOOT. I want to assure the Senator that there was no such thought in my mind in introducing the resolution. I made no reference to nor did I think of the Public Lands Committee hearings. The resolution has reference to the future, not the past. It involves a policy which, in my opinion, ought to be adopted by the Senate of the United States. I hope the Senator will not make any statement with the view or even with the thought that the resolution was inspired by any hearing that has been held by the Public Lands Committee or to be held by that committee that I know of.

Mr. ADAMS. As I said, I was led to infer, simply by reason of some proceedings there, that possibly the suggestion came from incidents in the proceedings of that committee. I recognize fully that it applies to all future hearings as well as to pending hearings, but it occurs to me that the Senator from Utah has not fully appreciated the full purport and effect of the resolution, if adopted. It means that the control of investigations and inquiries by Senate committees would be taken entirely out of the hands of those committees.

The first portion of the resolution provides that when any act or acts of any person, any corporation, or any firm, or Government bureau or agency are inquired into they shall be entitled, as a matter of right, to appear at the hearing and be represented by counsel. In other words, there is nothing coming within the scope of an inquiry by a Senate committee which could be conducted without affording an adequate opportunity for every person whose acts are inquired into to come before that committee and to be there represented by counsel.

Mr. ROBINSON. Mr. President, will the Senator yield for a moment?

Mr. ADAMS. Certainly.

Mr. ROBINSON. I am convinced that the resolution is quite far-reaching in its effect and is more important than the Senate can really appreciate from merely having it read. The Senator's statement discloses almost conclusively to my mind that there are objections which may be urged against it with great force. I think the Senate ought to hear the discussion. Does the Senator object to having me suggest the absence of a quorum?

Mr. ADAMS. I do not.

Mr. SMOOT. Perhaps it would be just as well, because it is now lunch time, to let the resolution go over until to-morrow and then take it up to-morrow, when we will have more time.

Mr. ROBINSON. We have all the time to-day that there is.

Mr. HEFLIN. What else have we to do to-day? There is nothing else to do.

Mr. SMOOT. I am perfectly willing to go on, but more than half of the morning hour to-day has expired, and to-morrow we could have all the Senators here; they would not be out of the Chamber for lunch.

Mr. McKELLAR. Mr. President, may I make a parliamentary inquiry?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. ADAMS. I yield.

Mr. McKELLAR. Ought not the resolution to go to the Committee to Audit and Control the Contingent Expenses of the Senate? It involves very material expenditures by the Senate out of its contingent fund, and manifestly it ought to go to that committee first, and then, I think, it should be considered by the proper committee before it comes before the Senate.

Mr. SMOOT. There is no direct appropriation involved.

Mr. McKELLAR. It does not involve a direct appropriation, but it affects the appropriations to be approved by that committee.

Mr. SMOOT. The Senator suggested, for instance, as one other Senator asked me just now, whether the counsel fees for the firm or corporation should be paid by the Government. They certainly would not be so paid, and if there is any question about it I shall offer an amendment, so there can be no doubt about it.

Mr. ROBINSON. Mr. President, I did not intend to interrupt the remarks of the Senator from Colorado, who was discussing very pointedly the resolution. I felt that the Senate ought to have a chance to be present to hear his remarks and some remarks that others will submit touching the matter. If he yields for that purpose, I would suggest the absence of a quorum; but if he prefers to go on with his remarks, I shall defer to his wish.

Mr. ADAMS. I yield for that purpose.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	Ladd	Simmons
Ashurst	Fernald	Lenroot	Smith
Ball	Ferris	Lodge	Smoot
Bayard	Fess	McKellar	Spencer
Borah	Fletcher	McKinley	Stanfield
Brandegee	Frazier	McNary	Stanley
Brookhart	George	Mayfield	Stephens
Bruce	Gooding	Neely	Sterling
Bursum	Greene	Norbeck	Trammell
Cameron	Hale	Norris	Underwood
Capper	Harreld	Oddie	Wadsworth
Copeland	Harris	Pepper	Warren
Couzens	Harrison	Phipps	Watson
Cummins	Heflin	Pittman	Weller
Curtis	Howell	Ralston	Willis
Dial	Jones, N. Mex.	Reed, Pa.	
Dill	Jones, Wash.	Robinson	
Edwards	Keyes	Sheppard	

The PRESIDING OFFICER (Mr. WILLIS in the chair). Sixty-nine Senators having answered to their names, a quorum is present. The Senator from Colorado will proceed.

Mr. ADAMS. The portion of the resolution to which I was addressing myself when the interruption came, and which I shall read, provides:

That any person, firm, corporation, Government department, or Government agency whose act or acts are subject to inquiry at any hearing or investigation conducted by any Senate committee under authority of Senate resolution shall have the right to be present at such hearing or investigation in person or by representatives, and to be represented by counsel.

I was seeking to point out the effect and purport of the resolution. The senior Senator from Utah [Mr. SMOOT] corrected one impression that I had, the result of which is that I am now impressed with the belief that the resolution is of greater importance than I at first thought. I had the impression that it had its inception perhaps in incidents which occurred in one particular committee investigation, but I find that it is the plan to adopt the general idea as to all investigations.

If the resolution were to be adopted, such an investigation as that being conducted into Russian affairs would be impeded and probably absolutely stopped, because it would be necessary to give the right to Mr. Trotski, Mr. Lenin, and the whole catalogue of Russians whose names were read the other day by the senior Senator from Massachusetts [Mr. LODGE], in order that they might exercise their right to be present at the hearings, and they would also be entitled to be represented by counsel. That would be true of the investigation in the Veterans' Bureau. That could not be conducted without granting, if the resolution were adopted, the right to every employee and agent of that bureau whose acts were under consideration to be present and to be represented by counsel. That would be true if it should be seen fit to investigate the acts of a military official in the Philippines as to his phenomenal financial success. He would have to be permitted to come before the committee and to be represented by counsel, as would all his agents, brokers, and advisers. We could not even investigate the Emperor of Sulu without permitting him to be present in person and by counsel.

There is no form of investigation which could be successfully conducted if the resolution should be adopted, because it would permit—in fact, it would require—that any person whose acts should be the subject of inquiry should have the right to be present and to be represented by counsel. So if it be the desire of the Senate to defeat all investigations—and that may be the purpose—this is the resolution it should adopt.

Again, if it were sought to investigate railroad rates or to investigate manipulations of the market, under the resolution we should be forced to bring in owners, shippers, managers, brokers, purchasers, operators, organizers, corporators, all those whose acts are under investigation or at least to give them the right to appear in person or by attorney. Otherwise we should be defying our resolution.

Again, we could not even inquire into the record of a soldier in France for the purpose of bestowing upon him the congressional medal of honor, unless he were represented and given the opportunity to appear before the committee. In other words, there is no exception whatever; no investigation into the acts of any persons, whether the investigation be to establish credit or to establish discredit, whether it be interested or disinterested, may be conducted under this resolution without meeting that obstacle.

Then follows a second portion of the resolution, which is of still more far-reaching importance. It reads:

And whenever the character, honesty, integrity, motives, or competence of any such person, firm, corporation, Government department, or Government agency shall be attacked or impugned they shall have the right to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony in their behalf and to introduce affidavits and other documentary or written evidence.

In other words, whenever in any of these investigations a question is suggested as to the motives, as to the competence, as to the integrity of any person, whether he be an officer of the Government or not, he then becomes vested with an absolute right to appear by counsel before the committee, to cross-examine the witnesses brought before the committee, to require the committee to subpœna witnesses to give testimony on his behalf, to introduce documents, and then to do what no court permits—introduce affidavits.

To illustrate, we have had that very matter before the Committee on Public Lands and Surveys, where men occupying high public place were under inquiry. They were permitted to meet the investigation by the filing of affidavits only. Others sought to escape the glaring light of cross-examination by making written statements and remaining away from the meetings of the committee, but this method not having been acceptable to the senior Senator from Montana and to part of the committee, personal examination of the witness was had, which has resulted in complete refutation of the written statement of another witness on an important matter, as to which the Senate will later be more fully advised. An investigating committee, if it is to accomplish anything, must have before it the men whose acts are being inquired into, in order that they may be examined and cross-examined; but this resolution would open the way to those whose acts are sought to be investigated to send in their written statements and other documents, to send their attorneys, and then to absent themselves. That very character of proceedings has been recently attempted, though not very successfully. As a matter of fact, one very unfortunate incident which came before the Committee on Public Lands and Surveys would have been obviated had the gentleman involved seen fit to appear before the committee and not to send in a written statement and subsequently be compelled to abandon the position formerly taken in that statement.

An investigation usually arises when some question is raised as to the propriety of some act affecting the Government. To illustrate again from the Teapot Dome inquiry, there were brought out in that investigation the acts of certain promoters. They have purchased certain interests from the United States in the way of oil leases; they have taken those and endeavored to foist them upon the people of the United States by "rigging" the market. Stock which they held at a value of $17 a share for their own purposes was placed upon the market in New York through the manipulation and organization of brokers at from $40 to $58 a share. The investigation showed that a combination was created and put into operation in order to deceive the public and to create the impression of an actual market at those values. Yet under this resolution we could not investigate that matter without permitting each and every one of those operators to appear by his attorney. All purchasers and sellers of the stock would be entitled to submit affidavits and to present documents of every kind and character. The committee is not given any power or authority to regulate the character of affidavits or the character of the testimony or to put limits upon the cross-examination. Under the resolution, should it be adopted, the Senate would find its committee rooms flooded with attorneys, with witnesses, and other interested parties who would be able to dictate and direct the course of its proceedings. It would soon be an investigation of, by, and for those sought to be investigated.

If an investigation were sought to be delayed and impeded, this resolution would afford an absolute and complete means of suppressing every possible investigation before this body. If the Senate wishes to say that there is no act affecting the public interest which ought to be investigated, if the Senate of the United States wishes to abandon all opportunity to investigate those things at which the hand of suspicion is pointed, then it should pass this resolution.

Mr. McKELLAR. Mr. President, will the Senator yield to me? I desire, if I may, to ask him a question.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. ADAMS. I yield.

Mr. McKELLAR. If the Senator from Colorado were asked to frame a resolution which would effectively squelch all investigation by the Senate which is now going on or which may be instituted between now and next November on election day, could he conceive of a resolution which would more effectively accomplish that purpose?

Mr. ADAMS. I should say that Senate Resolution 118 would be a perfect instrument to accomplish that purpose.

Mr. McKELLAR. I entirely agree with the Senator as to that.

Mr. ROBINSON. Throughout a service of 20 years in the House of Representatives and the Senate of the United States, where any person, firm, or corporation, or any officer or agent of the Government presented a request for a hearing and that request was based upon circumstances which might be fairly considered to justify the committee in hearing him, I have never known of an instance where such a request has been denied.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. ROBINSON. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I feel that this is an important matter, and I think the Senators should hear the argument.

Mr. ROBINSON. A quorum was in the Senate very recently, and if it is not here now it is by reason of the fact that Senators have found other duties more important. So I do not believe that it would be desirable to suggest the absence of a quorum.

Mr. JONES of New Mexico. I do not think the absence of Senators indicates a lack of interest, but, as the Senator well knows, this is the lunch hour and many of them are at lunch. I think, however, that Senators should be here to listen to this argument, and, if the Senator does not object, I should like to suggest the absence of a quorum.

Mr. ROBINSON. Well, I yield to the Senator for that purpose.

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Fletcher	La Follette	Robinson
Bayard	Frazier	Lenroot	Sheppard
Borah	George	Lodge	Shipstead
Brandegee	Gooding	McKellar	Simmons
Brookhart	Greene	McKinley	Smoot
Bruce	Hale	McNary	Spencer
Bursum	Harreld	Mayfield	Stanfield
Cameron	Harris	Neely	Stanley
Capper	Harrison	Norbeck	Stephens
Copeland	Heflin	Norris	Sterling
Curtis	Howell,	Oddie	Trammell
Dill	Johnson, Calif.	Owen	Wadsworth
Edwards	Jones, N. Mex.	Pepper	Watson
Ernst	Jones, Wash.	Phipps	Weller
Ferris	Keyes	Ralston	Willis
Fess	Ladd	Reed, Pa.	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is on the adoption of the resolution. The Senator from Arkansas is recognized.

Mr. ROBINSON. Mr. President, before the absence of a quorum was suggested I had stated, in substance, that under the practice which now prevails in the Senate I have never known any person who could be fairly considered as having a right to a hearing before a committee investigating him or his interests to be denied that privilege. Both Houses of the Congress—certainly the Senate of the United States—have been liberal and generous in this particular.

Under the practice as it is now pursued, the committee intrusted with investigations under resolutions of the Senate exercise their sound judgment in receiving testimony and in refusing to receive the statements of witnesses and documentary evidence. That practice has not resulted in injustice or hardship. Everybody but the Senate of the United States knows that proceedings here are difficult and tedious to a point that is discouraging to those who desire prompt and well-considered action. If we adopt this resolution we will end the usefulness of committees in Congress in investigating frauds against the public. We will hamper, restrain, and interfere with the proceedings of our own committees and make their labors ineffective through the technicalities of those whose sole interest and desire is to avoid publicity touching their dealings and relations with the Government we represent.

I call now on every Senator to state an instance in his experience when any man in his opinion entitled to a hearing before a committee of the Senate investigating his conduct was denied that hearing. Answer now, or take until to-morrow to answer; and if there has been no abuse, manifestly the purpose and effect of the resolution is not to right a wrong.

The committees of the Congress are too lenient, too generous, to citizens and officers of the Government whose conduct is under investigation. In instances which every Senator will recall permission has been granted by committees of the Senate to file letters and statements and affidavits, and the privilege of not being cross-examined has been extended, so that the only effect and purpose of the resolution is to give the right to delay, to embarrass, and hamper. I repeat, there is not a single instance in the history of the Senate within my service here where any man under investigation has been denied the right to appear in person, or by counsel, for that matter.

Not only would this resolution assist in preventing discoveries which the Senate has the right to make, but it would render the procedure of our committees so cumbersome as to make impossible a conclusion of their activities in a number of instances.

Ten years ago the Senate entered upon an investigation of what was known as the lobby. Thousands of persons were interested in that investigation. Thousands that the Senate never heard of were interested, and they swarmed into this Capitol. The committee making the investigation heard every one who could present a claim or a right to be heard; but if this resolution had been in effect then, the committee would have been compelled to rent an auditorium in order to make room for the men, the firms, and the corporations whose conduct was under investigation.

If the resolution of the Senator from Idaho [Mr. BORAH] prevails, under the technical terms of this resolution we would have to transport to this country hundreds of Russians whose conduct is under investigation, and whose character for honesty and integrity and whose motives or competence are under consideration.

The resolution is not workable. It would take away from the committees the power to control their own proceedings and turn that power into the hands of technical and trained lawyers, and the result would be that it would require 30 days to find out the simplest fact.

Mr. JONES of New Mexico. Mr. President, I should like to get the opinion of the Chair as to whether this resolution, under the law, must not be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I call attention to this language:

> They shall have the right to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony in their behalf—

And so forth. Nothing is stated in the resolution as to the payment of the expenses incurred in the attendance of these witnesses and the service of subpœnas, and so forth. Unquestionably, if the resolution should pass just as it reads, any party would be entitled to go before the chairman of the committee and insist upon the issuance of a subpœna.

Mr. ROBINSON. And he could subpœna just as many witnesses as he chose.

Mr. JONES of New Mexico. He could subpœna just as many witnesses as he pleased, and they would necessarily come here at the expense of the Government. In all of these investigations which we have, involving the expenditure of funds out of the Senate contingent fund, the resolution must be passed upon by the Committee to Audit and Control the Contingent Expenses of the Senate. That is made incumbent by a statute.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McKELLAR. While the Senator was out of the Chamber I made the point of order on this resolution, which has not yet been passed upon by the Chair, that it should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. That point of order, of course, must be disposed of before we come to a vote. It seems to me impossible that a resolution of this kind should pass, whether it is first passed upon by the committee or not. Surely the Senate of the United States never would so hamper and hamstring its own power as to permit a resolution like this to pass. However, the point of order has already been made.

Mr. JONES of New Mexico. I was not aware that the point of order had been made, and I rose for the purpose of raising the point of order. Whether or not the resolution is subject to the point of order, however, it would be unwise to pass a resolution containing a provision that anyone who might feel aggrieved by the course of any investigation or any proceedings could come and demand that a subpœna issue for an unlimited number of witnesses. If that were done, we would perhaps have a great many "joy rides" on the part of persons desiring to come to the city of Washington.

Mr. ROBINSON. I suppose if the person under investigation could not get his witnesses as the result of the compulsory process, he would be entitled to a continuance on account of the absence of material witnesses.

Mr. JONES of New Mexico. If we were to follow legal procedure, that would doubtless be the case.

Mr. ROBINSON. And the committee would not be at liberty to use its own discretion in the matter.

Mr. FLETCHER and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. JONES of New Mexico. I yield to the Senator from Florida.

Mr. FLETCHER. In this connection, I should like to call the Senator's attention to the provision, which is also found in the resolution, to the effect that the person, firm, corporation, Government department, or Government agency whose acts are the subject of inquiry are not only entitled to be present themselves or by counsel but in addition to that they are to be represented by counsel. The language is "and to be represented by counsel." So that at every hearing the room will be filled with lawyers claiming to represent the parties who are

the subject of inquiry, and the lawyers can ask for the attendance of witnesses and argue the points and discuss the matter, and we will never get anywhere with any sort of an inquiry.

Mr. ROBINSON. Under the technical language employed, since the resolution gives the person under investigation the right to have counsel, if he is unable to employ counsel the committee would be compelled to arrange for the employment of counsel, although I do not think that was the intention of the framer of the resolution.

Mr. SMOOT. Mr. President, the Senator from New Mexico has raised the point that under the law this resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

If the resolution should pass just as it reads to-day, not a cent of expense would be attached to it. If any hearing is ordered by the Senate at which expense is to be incurred, that resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

So I quite disagree with the Senator from New Mexico as to this resolution. If it is agreed to, the practice will be just the same as it is to-day under the law, that any resolution calling for the expenditure of money out of the contingent fund will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. President, I want to say, further, that my only object in introducing this resolution was really to protect the Government of the United States. I do not care whether it applies to persons or firms or corporations, but I do think the Government of the United States ought to have a representative to speak for them if they so desire.

I ask at this time that the resolution may go over to-day, and I will prepare the necessary amendment to cover the points raised. Not only that, but I want to prepare an amendment so that there will not be any question about the attorney having to be paid, not out of the contingent fund of the Senate, but by the department which has the attorney, if any department wants an attorney to represent it at a hearing.

Mr. JONES of New Mexico. Mr. President, I call to the attention of the Senator from Utah the language of the resolution in the beginning. It provides that " any person, firm, corporation, Government department, or Government agency whose act or acts are subject to inquiry at any hearing," and so forth. It seems to me that language is undoubtedly broad enough to include all hearings which have been authorized by the Senate.

Mr. SMOOT. As the Senator knows very well, if a resolution calling for expenditures from the contingent fund came in the day after this resolution was adopted, there would not be any question at all but that it would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FLETCHER. We have already passed general resolutions respecting every standing committee, giving them authority to proceed with investigations, to pay reporters, and for other expenses, and so forth. This would come under them, it seems to me. We would not have to pass a special resolution for a particular investigation or inquiry, because we have already passed general resolutions authorizing investigations.

Mr. SMOOT. Yes; but if a special committee is appointed which has not the right to incur those expenses, the resolution would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah has asked that the resolution may go over without prejudice.

Mr. SMOOT. I will offer the necessary amendments to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. HEFLIN. Pending that request, I simply want to say that I am in hearty sympathy with the position taken by the Senator from Colorado [Mr. ADAMS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Tennessee [Mr. MCKELLAR], the Senator from New Mexico [Mr. JONES], and the Senator from Florida [Mr. FLETCHER].

Mr. McKELLAR. Will the Senator yield to me for a moment at this point? The Senator from Utah has stated that this was not a resolution which should go ot the Committee to Audit and Control the Contingent Expenses of the Senate. On page 28 of the Standing Rules of the Senate occurs this paragraph:

> Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

Unquestionably this resolution will create a charge upon the contingent fund of the Senate.

Mr. SMOOT. It may not.

Mr. McKELLAR. Of course, it is possible it may not; but, in fact, it does. It may just as well as not create such a charge, and, of course, if it has the effect of creating an additional charge, then it should go to the Committee to Audit and Control the Contingent Expenses of the Senate. I make the suggestion, if the Senator from Alabama will permit me, that before we grant the unanimous-consent request of the Senator from Utah the Chair rule upon my point of order, which was made some time ago, that this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. I am perfectly willing that the Chair shall make a ruling right now.

The PRESIDING OFFICER. The Chair did not understand that any point of order was pending. None has been made while the present occupant of the chair has been presiding. Will the Senator state his point of order?

Mr. McKELLAR. My point of order is that this resolution should, under the rules of the Senate, go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair will hear the Senator on that point:

Mr. McKELLAR. I make the point because it is a resolution creating a charge upon the contingent fund of the Senate. The proof that it does make such a charge will be found in lines 11 and 12 of the resolution. Indeed, the whole resolution shows that to be a fact, but especially that part. It reads:

> And whenever the character, honesty, integrity, motives, or competence of any such person, firm, corporation, Government department, or Government agency shall be attacked or impugned they shall have the right to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony in their behalf and to introduce affidavits and other documentary or written evidence.

Unquestionably that will create an additional expense in every hearing. It takes more time; it takes more stenographic labor. Stenographers must take down the testimony. It will inevitably cost more and be a charge upon the contingent fund of the Senate. Otherwise the resolution is meaningless. If it does not require additional affidavits to be taken down by stenographers, if it does not require additional evidence to be taken down by stenographers, if it does not require additional subpœnas, then it does not mean anything. I think it does mean something and, of course, will be a charge upon the contingent fund of the Senate, and this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Mr. President, just one word before the Chair rules.

Mr. HEFLIN. I can not yield for a long discussion of the point of order.

Mr. SMOOT. A point of order is always debatable.

The PRESIDING OFFICER. The Chair will hear from Senators on the point of order before the Chair rules.

Mr. ROBINSON. The Senator from Alabama had the floor.

Mr. HEFLIN. I had the floor, and just yielded to the Senator from Tennessee to make a statement.

The PRESIDING OFFICER. The Senator from Tennessee has made a point of order upon which the Chair must rule, and the Chair will not rule while any Senator desires to be heard on the point of order.

Mr. HEFLIN. I did not yield the floor. I want to submit some remarks on the resolution and also on the point of order.

Mr. President, some Members of this Senate are undertaking to do some very important things for the American people. We are trying to investigate what to my mind is one of the worst scandals ever perpetrated against the people and Government of the United States, the unlawful and wrongful disposition of the Teapot Dome oil lands. I think an investigation of the facts in that case will disclose a national scandal which will arouse the people of the United States as they have not been aroused in a long, long time.

I do not know what the purpose back of the resolution offered by the Senator from Utah is, but I know what its possibilities are. I know that under its well planned provisions investigations may be long drawn out. It promises delay and indefinite postponement in matters of great moment to the country.

It offers ways and means for preventing an early day of final reckoning.

I am not willing that that shall be done. I do not care whether he is a Democrat or a Republican, any official who

betrays a public trust and disposes of property which belongs to the people ought to be removed from office and prosecuted after he is removed.

There has been no complaint, as the Senator from Arkansas [Mr. ROBINSON] has said, about the conduct of committees heretofore regarding the rights and interests of persons involved in investigations, and why should this resolution be now brought into the Senate, and favorable action sought upon it, when the Committee on Public Lands is now going right earnestly into the investigation of the Teapot Dome scandal? It looks as if some people are not precisely pleased with certain tendencies and certain doings of that committee. I want to commend that committee for what it is doing, and I want to urge it to go the limit in bringing out the truth and the whole truth in this very grave and important matter.

Some of us in this Chamber will sustain to the uttermost those Members who dare to hew to the line in the discharge of their duty to their country. I want to announce here and now as one Senator that there will be no whitewashing tolerated for anybody in the Forbes case or any other case. There is some intimation in some of the newspapers that a large whitewash brush is being constructed and that quite a quantity of whitewash material is being manufactured. I heard a little of the Forbes investigation and I saw a lawyer representing Mr. Forbes and one representing the Government. I saw no attempt before that committee to deny anybody a fair deal, and I take it that the Committee on Public Lands will not deny anybody a fair deal. I would not have it do so. I fear that some persons standing off yonder at a guilty distance who see this committee, under the leadership of the Senator from Colorado [Mr. ADAMS], moving dangerously near to them want to do something to hamper or hold up the investigations. I want to commend the Senator from Colorado for the courageous and able stand that he is taking in this matter. Those who do not want a real investigation do not want him and others on that committee moving in the direction of those who are guilty of being in a conspiracy to defraud this Government and to deprive this Nation of the finest oil lands in the world.

I understand that two or three gentlemen have made millions out of that deal already. I understand that one gentleman has already made more than $100,000,000 on the Teapot Dome oil deal. I am in favor of the Caraway resolution. I would vote to cancel that lease to-day and make Mr. Sinclair and those with him pay back to the Government every cent they have made out of it, and until the Congress of the country reaches the point that it will go back into those transactions and say that no fraudulent deal shall stand you are going to have difficulty in preventing crooked performances in high places.

This is a serious matter, Senators, one of great importance to the country, and I want to commend the Senator from Colorado [Mr. ADAMS] for his timely discovery of the dangerous provisions of this resolution. He is a member of the Committee on Public Lands, and he is earnest and active and able in this most important work. He is rendering a great service, not only to the people of the State he honors in this body but he is rendering signal service to the people of the whole country, to good government, and to common honesty in the affairs of the American people.

It is suggested that the Senator from Montana [Mr. WALSH] is entitled to great credit, and he is, for the splendid work he is doing on that committee. I was speaking principally about the Senator from Colorado [Mr. ADAMS], who is taking the lead in the discussion of this resolution. I commend all those on the committee who are really in earnest and are going into this Teapot Dome case to give the truth to the Senate and to the country. It is a serious matter. I repeat what I said in the outset, it does not make any difference with me whether an unfaithful official is a Democrat or a Republican, I am against him. I am a Democrat. My Democracy is part of my religion. I believe that the just solution of all the questions that vitally concern the common masses of the common people lies in the hands of the Democratic Party, a party that is as old as the Government, the party that has never yet betrayed a trust or bowed its knee to the Baal of the money power or lowered its arm in battle with predatory interests. I feel that way.

I think I demonstrated to the Senate, in a fight I led here for nearly two years against the governor of the Federal Reserve Board, who had been a Democrat, and who came from a southern State, and who went over, with those with him in that conspiracy, and supported the Republican ticket in 1920, that it does not make any difference with me whether a man is a Republican or a Democrat if he is guilty of wrongdoing. If he proves to be unfaithful in high place, he ought to be kicked out, and the scarlet letter of repudiation and unfaithfulness branded on his brow.

There will be no whitewashing business in the Teapot Dome scandal if I can prevent it.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Chair is ready to rule on the point of order made by the Senator from Tennessee [Mr. MCKELLAR], who makes a point of order that under the rule and the law this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The provisions of the standing orders of the Senate and of the rules upon this are very clear. First, the rule as to the payment of money, taken from the standing rules of the Senate, is as follows:

> Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

Then the section referred to by the Senator from Tennessee reads as follows:

> Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The resolution in question provides that if any of the persons or agencies named in the first part of the resolution shall be attacked or impugned—

> They shall have the right to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony in their behalf and to introduce affidavits and other documentary or written evidence.

The Chair has carefully read the resolution and is unable to find in it any authorization for expenditure. Any expenditure that would be made would have to be made under action of some committee that would be making the investigation. A resolution authorizing the investigation by that committee undoubtedly would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, but the resolution before the Senate does not direct the payment of money out of the contingent fund of the Senate, nor does it create a charge upon the same. Therefore the point of order is overruled.

Mr. SMOOT. Mr. President, I want to assure the Senator from Alabama [Mr. HEFLIN]—and I am quite sure every member of the Public Lands Committee will agree with me, and if the Senator from Montana [Mr. WALSH] were present I am sure that he would say—that he has had all the leeway which could be asked by any human being in the investigation of the Teapot Dome oil leases. He has never made a single request of the committee that I remember now that has not been granted. He has had witnesses called from all over the United States. There has not been a word uttered by any member of the committee against any action that he may have taken in the matter.

So far as the resolution is concerned, it has nothing whatever to do with the hearings before the Public Lands Committee. In fact I may say that virtually those hearings are concluded. So careful was I of the expenses that might be put upon the Government of the United States in that investigation that, as chairman of the committee, I decided that we would not even employ an attorney. It is true that a number of the members of the committee spoke of the employment of an attorney. It is true that I spoke to a number of Democrats in relation to whom we should employ for that purpose, if anyone. But finally we decided that we could go on with the hearings without the employment of any attorney.

As to what the hearings have disclosed, that will be presented to the Senate in the report of the committee. Then will be the time to take up the question of what the Senate shall do.

The Senator from Alabama [Mr. HEFLIN] is not the only honest man in this body. He is not the only man who wants to protect the interests of the United States. When the report is made and when the Senators, who have given months of time almost daily to the investigation, decide upon the results of the investigation they will give the Senate their reasons for their conclusions.

However, the case is not before the Senate and I simply wanted to state this much at present so that there could not be a wrong conclusion drawn perhaps by any newspaper report that may be made of the remarks of the Senator from Alabama.

Mr. HEFLIN. The Senator from Alabama is going to have a good deal to say on this subject.

Mr. SMOOT. Oh, undoubtedly.

Mr. HEFLIN. I have only touched the surface. I probably know a good deal more about certain phases of this matter than the Senator thinks I know. I am getting information

from the outside and suggestions about the investigation and how the whole thing was pulled off, and if no other Senator does so I shall to the best of my ability give the facts as I understand them to the Senate and the country.

Mr. SMOOT. No one objects to the Senator doing that. No one is going to prevent him, nor could prevent him, if he wanted to do so.

Mr. HEFLIN. The Senator is correct in that last statement.

Mr. SMOOT. Certainly, we all understand that; and every other Senator in the body has the same right as the Senator from Alabama and can take all the time wanted. We all understand that.

Mr. NORRIS. Mr. President, until the committees of the Sixty-eighth Congress were chosen, I was a member of the Committee on Public Lands. While I was not in Washington during the summer, I came back about a month before Congress convened, and from that time until I ceased to be a member of the Committee on Public Lands I attended the Teapot Dome hearings. I do not know that anybody ought to come to the defense of the committee or its then chairman, the Senator from Utah [Mr. SMOOT]. I consulted with the Senator from Montana [Mr. WALSH] on some of the things that he was doing, on some of the witnesses that he subpœnaed, and I think I attended all the meetings while I was in Washington and a member of the committee.

While I do not agree usually with the Senator from Utah in a great many matters of legislation, I want to say to the Senate that as far as I was able to observe—and I do not think that I am egotistical when I say that I was able to observe—the Senator from Utah as chairman of that committee did what he said a while ago he did, he gave absolutely the widest latitude for the investigation. I want to commend him. As far as I could see in that investigation he did all that any chairman could do. I am confident that if the Senator from Montana [Mr. WALSH] were present—he is now temporarily absent I think on part of that very investigation—he would gladly corroborate what I have said.

I have been on a good many investigations and committees and have been in that kind of business nearly all my life. I think I know a fair judge when I see him work a while. I think I know a prejudiced and biased official when I see him operate. I want to say to the Senate and to individuals what it seems somebody ought to say here, that that investigation as far as the Senator from Utah was concerned, as the presiding officer of the Committee on Public Lands, was absolutely open, absolutely fair, and that no one was denied an opportunity to secure any evidence anywhere. In the examination of witnesses who came before the committee never once was the Senator from Montana, who did most of the questioning, impeded or interfered with in any way. I took some hand in some of the questioning myself, and while I concede that some of the questions that I asked might have been debatable as to whether they were relevant or not, neither the Senator from Utah nor any other member of the committee raised any objection or ever interfered in any way. I have felt that I ought to say this much on the present occasion.

I do not agree with the Senator from Utah in the matter of his resolution. I think the Chair decided properly when he overruled the point of order, because I can not understand how Senators could claim that the resolution would take any money from the contingent fund of the Senate. But that is past, and there has been no appeal taken from the decision of the Chair.

Now, on the face of the resolution it looks as though it were fundamentally to preserve the rights all American citizens ought to have when they are assailed or their character or their motives brought in question. When I first heard it read I could see no objection to it. I wondered why it was, however, that it was introduced. I wonder now why it is necessary that we should pass this kind of a resolution to protect the rights of those who are investigated before a Senate committee. If it could be disclosed to me that any individual or corporation or governmental official who had been investigated or was being investigated had had his or its rights curtailed, that the committee had not given the proper opportunity to defend, I would feel like supporting the resolution. Every one of us, as American citizens and believers in the Constitution, must believe, it seems to me, that every man assailed anywhere in any tribunal, from a justice of the peace to a justice of the Supreme Court, ought to be given a fair and an honest right to defend himself.

A committee of the Senate making an investigation is just a little different from a court. The theory is at least—and as a rule I think it is fair to say that it is carried out—that a committee does not represent any side of a controversy or investigation. It is for the purpose of making inquiry and finding out what the facts are. It is just as careful to defend the reputation and character of witnesses and those who are being investigated as it is to bring out evidence that would have the opposite effect. When we go into court we find attorneys on both sides, and under certain regulations and rules and laws they bring out evidence. Except in very rare cases a judge would not feel that he was called upon to come to the defense of anybody. Individuals are represented on one side or the other by counsel.

That is not always true before a committee. I think most of the time it is not true. I have been on committees investigating a great many times, and on a good many occasions have presided at such investigations. I have never known of an instance in all my experience where any representative of a corporation or any individual was the subject of an investigation that his right to be heard by counsel when he so desired was denied. I have never denied such an opportunity at a hearing over which I presided. I know of one instance before the Committee on Agriculture and Forestry two or three years ago, when we were investigating the packers. The investigation went on for months, and was a very extended investigation. Every one of the packers was represented by some of the ablest attorneys in the United States. No one questioned their right to have counsel. It was granted as a matter of course. They cross-examined witnesses whenever they wanted to do so. I would have felt on that occasion that we had lacked in doing our duty if we had not permitted them to have those attorneys.

But I can see, in making an investigation where the committee has no attorney making inquiries in its behalf, that the investigation might be prolonged almost to an indefinite extent if we permitted everybody who wanted to and whose methods might be questioned by the investigation to hire an attorney. I have never known of an occasion when a committee did not have an attorney, but what if some man who was being investigated wanted a witness asked a question he either asked it himself or had a member of the committee ask it.

The members of the committee, if they are doing their duty, ought to be as anxious to cross-examine witnesses and to bring out the truth, if they think the witnesses have not properly testified to it, when they are against the man or corporation which is being investigated as when they are in favor of the investigation.

Mr. FLETCHER. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield to the Senator.

Mr. FLETCHER. The Senator will keep in mind that at any sort of an inquiry involving acts of persons or of departments this resolution not only requires the presence of the party concerned but the presence of counsel. So that the committee would be obliged to permit the employment of counsel or other representative.

Mr. NORRIS. The person being investigated would be entitled to be represented by counsel if he so desired.

Mr. FLETCHER. Yes; in any inquiry.

Mr. NORRIS. As a rule, when a person is being investigated, I think he ought to be given that right. I would not decline to give him that right.

Mr. FLETCHER. But the investigation might not involve his character at all. It might not involve anything which reflected on him.

Mr. NORRIS. No; but it seems to me, Mr. President, that if men's rights and privileges have not been abused, have not been trampled upon by the procedure in the past, we might well go on in the same way. It certainly would save some expense I should think.

We come to another class of cases, and I look at such cases a little differently. Often we provide that a committee shall have the right to employ an attorney. That is one of the best ways of conducting an investigation. Where an investigation requires a great deal of detailed study it is necessary to have somebody perform that work, for if the members of the committee do it, they have to give up everything else. We therefore frequently provide for the employment of attorneys. Usually when that is done before the committee gets actively to work they employ their attorney and give him a week's, perhaps a month's, time, depending upon the magnitude of the investigation, to look into the matter, to talk to the witnesses, examine documents, and get ready to make the investigation. When that is done there is more reason why, it seems to me, a firm or corporation which is being investigated desiring an attorney should have the right to have one. If the resolution were confined to that kind of cases, in my humble judgment it would remove very much of the objection that now exists against it.

I should dislike very much to vote against such a resolution as that, because on the face of it it would look as though one were trying to deny some man who is being investigated the right, which everybody ought to have, to appear in any tribunal that has before it the consideration of his character or his rights or his motives. It would seem as though we were depriving him of that opportunity.

If committees had been in the habit of doing that, I should support a resolution of this kind, but I have not heard of anybody making that charge; I have not heard anyone say that; and, so far as I know, it can not be said that in the past committees of the Senate have conducted investigations in that way. So it seems to me it would be well to let the matter alone and allow the present practice to continue.

Mr. REED of Pennsylvania. Mr. President, I should like to hear the sponsor for the resolution explain some features of it. In our investigation into the Veterans' Bureau we found that a great many people were mentioned during the course of the proceeding, and sometimes in connection with matters which were entirely irrelevant to any question which we were investigating. As soon as they were mentioned in any way to their apparent discredit they came in and demanded the right to be heard by counsel and to have certain witnesses subpœnaed. In some cases it was proper that they should have that privilege, and the committee granted the request. For example, Colonel Forbes appeared, and, having been reflected on in the testimony which was taken in the matter under inquiry, asked leave to call some witnesses. He did call witnesses for an entire week, and the cost to the United States for the mere transcription of the testimony of his witnesses that week was over $1,000. At the end of the week he announced that he had scarcely begun, and he gave us a list of 31 additional witnesses whom he desired to call. The committee decided, however, that if the investigation was to have any value it had to be promptly concluded, and if we allowed him to call 31 more witnesses, when he had already taken up a whole week with but 6 or 7 witnesses, it would postpone the conclusion of our hearings more than a month and would add to our expense approximately $5,000 for stenographers' bills alone.

That, however, was not the worst case. We found that in the course of the testimony regarding Colonel Forbes's official conduct it was mentioned, rather incidentally, that on a certain trip he had taken for business purposes, when a great deal of drinking was said to have occurred, a lady was present at some of the parties. That lady was named by some of the witnesses merely as being present. We did our best to keep her name out of that hearing, but, unfortunately, it was dragged in and it got into the headlines of the newspapers. Then in she came asking to be represented by counsel and to call witnesses to prove that her motives and character were all right. We answered that the committee did not doubt it at all; that we had never charged the contrary; but still she insisted that the newspapers and headlines had cast reflections on her character and that she was entitled to disprove what had appeared in the newspapers. We decided, however, that she was not; that it would be dragging a red herring across the trail of the investigation and would carry us off into a long inquiry on a collateral issue. We said that she could not produce her witnesses and that we would not allow her counsel to cross-examine witnesses who were called on other points.

I mention these instances at such length because it occurs to me that the resolution ought to have some qualifications limiting the subject on which witnesses may be called to matters which are relevant to the issue.

We all agree that, as a matter of common American fairness, a man who is being investigated or a corporation or department of the Government which is being investigated ought to be represented.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. ROBINSON. Has the Senator ever known of an instance in which that privilege has been denied?

Mr. REED of Pennsylvania. Yes; I remember an investigation by the House of Representatives about 10 years ago——

Mr. ROBINSON. I am speaking about the Senate. The pending resolution does not purport to relate to proceedings of the House of Representatives or any other body; it relates only to investigations under resolutions of the Senate.

Mr. REED of Pennsylvania. The Senator's question was not limited to the Senate. If he does limit it to Senate inquiries, I will say that I do not know of any such case.

Mr. ROBINSON. The Senator understands that this resolution does not relate to proceedings in any other body, but relates only to the Senate; so that the resolution would not give relief against what might occur in any other body.

Mr. REED of Pennsylvania. The Senator asked me if I knew of any such instance.

Mr. ROBINSON. Of course, I meant one which would be affected by this resolution.

Mr. REED of Pennsylvania. I answer no; if that is his question.

Mr. ROBINSON. Then, I ask the Senator what can be the necessity for any such resolution at all?

Mr. REED of Pennsylvania. That is one of the questions which I hope the Senator who has sponsored the resolution will explain. To cut my statement short, what I am afraid of is that, unless we qualify the resolution and limit it to the questions under investigation at the hearing and exclude irrelevant matter, we will find ourselves trying 8 or 10 cases at once. That is what we would have been doing in the Veterans' Bureau investigation if we had yielded to the importunities to call witnesses on incidental matters.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. NORRIS. I am interested in the statement the Senator has just made. I do not have the resolution before me relating to the investigation of the Veterans' Bureau, but the Senator is familiar with it and can probably answer my question. Did the resolution requiring the committee to make the investigation specify any particular person?

Mr. REED of Pennsylvania. It did not specify any particular person.

Mr. NORRIS. It referred to an investigation in general?

Mr. REED of Pennsylvania. It referred in general terms to the manner in which the Veterans' Bureau had been administered.

Mr. NORRIS. I suppose in that case there would be various divisions or branches of the bureau that might become interested in that investigation as it proceeded, and there is a large number of them.

Mr. REED of Pennsylvania. There are 28,000 employees in the bureau and every one of them was reflected on to some extent by the charges of inefficiency.

Mr. NORRIS. That illustrates where this kind of a resolution might put the Senator's committee. If every one of those upon whom any reflection was cast by any of the evidence had the right to employ an attorney, there might have been an army of attorneys there.

Mr. REED of Pennsylvania. That is just what I mean.

Mr. NORRIS. I wanted to amplify the question, because it seems to me it rather illustrates what might happen under this resolution if it became a standing order of the Senate and controlled the committees.

As I understand the Senator, the committee had to do what a court often is called on to do; namely, stop the offering of witnesses on a particular point. Everybody admits that it is within the discretion of every court of general jurisdiction to take such action, and, unless the court abuses that discretion, no appelate court will reverse its findings. The Senator from his experience will recognize, as will others who have had to do with the courts, that often the presiding judge will stop the production of evidence on some point and say, "We can not keep on along this line forever. I have allowed you so many witnesses, but you can not have any more; you must quit now."

Mr. REED of Pennsylvania. Yes; we were compelled to do that in two or three instances in order to get through with our work.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. REED of Pennsylvania. I yield.

Mr. FLETCHER. The Senator is a distinguished member of the bar, and, as a lawyer, I desire to ask him a question. I should like his opinion as to whether or not the right given in the resolution "to cross-examine witnesses by counsel and to have witnesses subpœnaed and give testimony" would not mean that the cost of the subpœnaing those witnesses and the witnesses' fees would all fall on the Government. Is not that a necessary implication?

Mr. REED of Pennsylvania. I was apprehensive of that, and for that reason have suggested to the Senator from Utah that the resolution should be qualified in that regard: First, that the cost of counsel should clearly not be upon the Government; next, that the cost of the stenographer's transcript of the primary copy of the record should not be placed upon the Government for such testimony as might be introduced under this resolution; and I think in the same way the cost of bringing

witnesses from a distance should not be put upon the Government. I understand, however, that the Senator from Utah contemplates certain amendments to the resolution which will cover those cases.

Mr. WALSH of Massachusetts obtained the floor.

The PRESIDENT pro tempore. If the Senator from Massachusetts will yield for just a moment, the Chair should like to be advised of the situation. The present occupant of the chair is of the opinion that the resolution should have gone to the calendar at 2 o'clock.

Mr. SMOOT. That is according to my understanding. I thought the resolution would go to the calendar at 2 o'clock, and therefore I have not made any effort to speak on it at this time. I think that under the rules of the Senate it could not do anything else but go to the calendar under Rule VIII.

Mr. WALSH of Massachusetts. Mr. President, having been recognized, I should like to make a few observations. First of all, the resolution ought to have its name changed. It ought to be called a resolution to extend filibusters from the House of Representatives and the Senate to the committee rooms. That is just what the result would be if the resolution were adopted. I have had the honor to serve upon investigating committees. I am now a member of one presided over by the very able and very just and very impartial Senator from Pennsylvania [Mr. REED]. I am sure he will agree with me that if this resolution had been the law when we undertook that investigation, the investigation would never end.

I have served on investigating committees where counsel were permitted to participate. I have in mind a very important investigation of the coal industry in the winter of 1920. Counsel for the operators were permitted to participate in that investigation, and what was the result? The learned Senator from Maine [Mr. FERNALD] served on the committee and will recall the accuracy of what I have to say. The result was that they kept the committee busy with suggestion after suggestion and requests for witnesses and delay until the 4th day of March came and the whole investigation ended. No report was ever made, and all the testimony went into the waste-paper basket. Nothing was accomplished.

The resolution is objectionable for another reason. It is an indictment of the personnel of the Senate. It amounts to saying that the Members of the Senate are not capable of being impartial, of being fair, of being just, of protecting the rights of the parties accused and of witnesses accusing. These committees are composed of members of both political parties. Some of us have some knowledge of the law. It is inconceivable that a Senator of any political party would sit upon one of these committees and allow any accusation to be made against any public servant or any corporation or any individual or any business concern in this country and not give the person or corporation accused full and ample and complete opportunity to make answer. I do not believe it is possible to find any committee among the membership of this body that would permit unfair advantage to be taken of any witness or accused party.

No honest man needs to fear investigation. No honest Government official needs to have a lawyer. No corporation doing an honest business needs to be protected by legal talent here. Every public agency whose acts are the subject of inquiry will find plenty of people on either side of this Chamber who are willing to see that his rights are secure, though there may be some who may undertake to press too hard into his private affairs or perhaps assume the rôle of persecutor.

Mr. President, I repeat, the resolution is unnecessary. It will result in delaying and postponing business. It will make farces out of investigation. It will result in filibusters in the committee rooms. It will be a protection to the guilty parties whom the Senate seeks to investigate.

Mr. FERNALD. Mr. President, may we have the regular order?

Mr. SMOOT. Mr. President, my object in introducing this resolution was more particularly with regard to its application to the Government of the United States and the Government agencies. I do not care whether persons or firms or corporations are mentioned in the resolution or not, but I do think the resolution ought to apply to the Government departments and the Government agencies.

What is the practice of committees of the Senate making investigations? I say now that seven-eighths or more of the persons whose acts are inquired into are never represented by anyone outside of the committee itself. I think that wherever a department of our Government is under investigation, the department understands that the witnesses to appear before the committee are to be called by the committee.

Take the Appropriations Committee of the Senate. No member of our Government departments is there unless he is called there by the committee. Take the various investigating committees. No one testifies before those committees unless he is called there by the committees themselves. Our Government officials understand that to be the case. That has been the practice in the past. It is the practice to-day. It seems to me that if the committee wants the information, many times the only way it can receive it is from a department of the Government, or an attorney representing that department to present the case and the facts before the committee.

Mr. ROBINSON. Mr. President, will the Senator pardon an interruption?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. ROBINSON. I can not see the relevancy of that argument. Under the practice as it now prevails, whenever a committee wants a representative of a department before it, it sends for him.

Mr. SMOOT. Yes.

Mr. ROBINSON. And whenever a representative of a department wants to appear before a committee, the committee hears him.

Mr. SMOOT. Mr. President, that is just exactly the crux of the whole question. The departments are not going to come up here and ask to be heard under the practice of to-day; but if we pass this resolution it will be notice to every department of our Government that if they have some information that they think the committee ought to be in possession of they can send a representative from the department to give it to the committee. They will have the right to do that and will not be obliged to wait for the committee to call them.

Mr. ROBINSON. Mr. President, if the Senator will pardon a further interruption, has not the Senator himself known of numerous instances where representatives of the departments have come down and asked for hearings before the committees of the Senate? I will say that in every committee I have ever served upon where the transactions of a department have been questioned, almost universally representatives of the department have appeared, and they have never in any instance been denied the right of a hearing.

Mr. SMOOT. I do not so understand it, and that has not been my experience with investigations affecting the Government. I do not know of a single, solitary Government employee or Government official who has ever appeared before a committee of which I have been a member who has not been requested to come there, and I know of none that has ever asked to come.

Mr. ROBINSON. Let us follow that just a little further. If they do not ask to come, if they have not been denied the privilege of coming, what is the object in formally extending them the privilege of coming?

Mr. SMOOT. If this resolution passes, it will say, as far as the Senate is concerned, that they can ask to be heard at any time, whether they have been requested to appear or not.

Mr. ROBINSON. If the Senator will kindly yield to a further statement, unquestionably an analysis of the resolution justifies the conclusion that the resolution is prompted by some abuse existing in the practice of the Senate. I say that no such abuse exists. No instance has been cited where one who was entitled to a hearing and who has requested it has been denied it; and therefore I say there is no necessity whatever for any resolution on the subject.

Mr. SMOOT. Mr. President, I do not know whether there has been any case where persons have been denied permission to appear or not. As far as my experience is concerned, I do not think they have; but we must admit that if a committee decided not to hear a person, under these circumstances he would not have that chance. I think wherever a department is under investigation, or wherever a question arises as to its honesty, its integrity, its motives, or its competence, it ought to have the right to appear, and not have to wait until it is asked. I do not believe it ought to be denied that privilege. That is all that this resolution grants, if it is confined to the Government and the agencies of the Government; and, as I stated before, that is what I intend to confine it to whenever the resolution comes before the Senate for action.

Mr. FERNALD. Mr. President, a parliamentary inquiry. What is the business before the Senate?

The PRESIDENT pro tempore. The business before the Senate is Senate Resolution 118. It is the opinion of the Chair that it ought to have been sent to the calendar at 2 o'clock, and that the proceedings since that time have been by unanimous consent. It is further the opinion of the Chair that no vote can be taken upon the resolution at this time, save by unanimous consent.

Mr. FERNALD. It seems to me that we are not getting anywhere in undertaking to discuss a matter that is not before the Senate.

Mr. ROBINSON. Mr. President, just a moment. I think, as suggested by my friend on my right here, that it is well enough to preserve the integrity of the precedents of the Senate. There is no unfinished business of the Senate. When the hour of 2 o'clock arrived the Chair did not send the resolution to the calendar, and it was perfectly competent for the Senate to proceed with the consideration of the resolution, and it has done so. Certainly the resolution of the Senator from Utah is before the Senate.

The PRESIDENT pro tempore. The Chair bases his opinion upon the third paragraph of Rule VII, which provides as follows:

On Mondays the calendar shall be called under Rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule VIII.

Mr. FERNALD. That is as I understood it, Mr. President. I now ask unanimous consent to take from the calendar Senate bill 210, for the relief of Peter C. Keegan and others.

Mr. SMOOT. I suggest that the Senator ask unanimous consent to begin with the calendar.

Mr. FERNALD. If the Senator from Utah desires, we will begin with the calendar. I ask that the calendar be now considered.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the Senate proceed with the consideration of the calendar. While the Chair is not wholly clear with regard to the status——

Mr. CURTIS. I ask unanimous consent that we proceed with the calendar under Rule VIII and dispose of the bills on the calendar under that rule. There are only five or six bills on the calendar, and it will not take us over 10 or 15 minutes.

The PRESIDENT pro tempore. The Chair first directs that the resolution heretofore under consideration shall be placed upon the calendar. The Secretary will report the first bill upon the calendar.

TAX ON MOTOR-VEHICLE FUELS.

The bill (S. 120) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, was announced as first in order on the calendar.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

WACCAMAW RIVER BRIDGE, S. C.

The bill (S. 384) to authorize the building of a bridge across Waccamaw River, in South Carolina, near the North Carolina State line, was announced as next in order, and the Senate resumed the consideration of the bill.

Mr. DIAL. Mr. President, I desire to have some words on line 10 transposed. After the word "point" I desire to insert the words "suitable to the interests of navigation" and to restore the words "north of," so that it will read "suitable to the interests of navigation at a point north of and near Bellamy Landing."

Mr. McKELLAR. May I ask the Senator from South Carolina if he is referring to Senate bill 1192?

Mr. DIAL. No; to Senate bill 384.

Mr. McKELLAR. It does not appear to be in my file.

Mr. DIAL. It is just a local bridge bill.

Mr. McKELLAR. I have no objection to it.

Mr. DIAL. I ask the Senate to disagree to the committee amendment striking out "north of," and that those words be restored, and that the words to which I have referred be transposed so as to make the language harmonious.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. The first amendment offered by the Senator from South Carolina is, on page 1, line 10, to insert after the word "point" the words "suitable to the interests of navigation."

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from South Carolina asks that the vote by which the amendment in line 10 striking out the words "located by road survey north of and" be reconsidered, and, without objection, the vote will be reconsidered; and the question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment of the Senator from South Carolina.

The READING CLERK. The Senator from South Carolina moves to strike out the words "located by road survey" in line 10.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from South Carolina now moves that the vote by which the amendment inserting the words "suitable to the interests of navigation," in line 1, page 2, was agreed to be reconsidered. Without objection, the vote is reconsidered; and the question now is upon agreeing to the amendment.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the North and South Carolina Waccamaw Bridge Co. be, and the same is hereby, authorized to construct, operate, and maintain a bridge, with approaches thereto, across the Waccamaw River, at a point suitable to the interests of navigation north of and near Bellamy Landing, Horry County, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

CLAIMS OF AMERICAN CITIZENS.

The bill (S. 1192) to confer jurisdiction upon the United States District Court, Northern District of California, to adjudicate the claims of American citizens, was announced as next in order.

Mr. ROBINSON. Let that go over.

Mr. SHORTRIDGE. I hope the Senator who objected will withdraw his objection.

Mr. ROBINSON. I withhold the objection if the Senator desires to submit an explanation of it. I thought the Senator was absent from the Chamber.

Mr. SHORTRIDGE. As the title indicates, this bill is intended to confer jurisdiction upon the United States District Court for the Northern District of California to determine and give judgment in certain claims of citizens of the United States for damages suffered by them as a result of the seizure and forfeiture of certain vessels engaged in sealing in the Bering Sea.

Years ago, by proclamation, sealing in the Bering Sea beyond the 3-mile limit was declared to be illegal. Thereafter certain of our vessels were seized and forfeited. Russia had issued a like proclamation, and Russia seized certain of our vessels. Our Government also seized certain British vessels sealing in Bering Sea.

Thereafter it was held by all parties that the proclamation or order of our Government and of the Russian Government was illegal, and thereupon we made demand upon Russia to compensate our citizens for loss suffered. Russia recognized the validity of our claims and paid them. Great Britain similarly made demand upon us on behalf of the subjects of that empire, and we recognized the validity of the claims and paid them.

Our own citizens, however, who suffered like losses, have never been paid. This bill was considered in the House several times and reported favorably. It has never become a law.

The purpose of the bill, therefore, is to confer jurisdiction upon the district court to hear and pass upon these claims. I might answer thus briefly, adding a word, that the Judiciary Committee have considered the matter and reported it favorably and I am sure unanimously.

It is a just bill, and we seek to do for our own citizens what we have done for British subjects, and what Russia, as stated, has done for citizens of the United States.

I trust the Senator will permit the bill to be considered and that it may pass.

Mr. ROBINSON. Mr. President, after hearing the statement made by the Senator from California, I see no objection to the present consideration of the bill. I inquire of the Senator from California whether the bill is in the usual form adopted in such cases?

Mr. SHORTRIDGE. I think so.

Mr. ROBINSON. I note that the court is authorized to render judgment for the amount of damages found.

Mr. SHORTRIDGE. That is true.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction be, and it is hereby, conferred upon the United States District Court, Northern District of California, to hear and determine the claims of American citizens, their heirs and

legal representatives, for damages or loss occasioned by or resulting from the seizure, detention, sale, or interference with their voyage by the United States of vessels charged with unlawful sealing in the Bering Sea and water contiguous thereto and outside of the 3-mile limit during the years 1886 to 1896, inclusive, and to enter judgment therefor, the measure of damages to be the same as that demanded and collected by the United States of America from the Government of Russia under that certain protocol entered into between the United States and Russia on the 26th day of August, 1900, for the unlawful seizure of vessels owned by citizens of the United States engaged in sealing in the Bering Sea.

SEC. 2. That all American citizens whose rights were affected by said seizure, detention, sale, or interference specifically referred to in section 1 hereof during the years 1886 to 1896, inclusive, may submit to the United States District Court in and for the Northern District of California their claims thereunder, and the court shall render judgment thereon.

SEC. 3. That claims not presented within two years from the passage of this act shall hereafter be forever debarred.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. JOHN RIVER COMMISSION.

The bill (S. 210) for the relief of Peter C. Keegan and others was considered as in Committee on the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter C. Keegan, the sum of $1,700; to the estate of John B. Madigan, the sum of $348.14; to the estate of Oscar F. Fellows, the sum of $2,950.77, said sums representing additional compensation for services rendered on the St. John River Commission.

Mr. DIAL. Mr. President, I would like to ask the Senator from Maine [Mr. FERNALD], who introduced the bill, to explain it.

Mr. FERNALD. I will be very glad to make a brief statement regarding the bill. When it was reached on the calendar last Thursday I was absent from the Chamber, and I am desirous of making a very brief statement regarding it.

The bill carries an appropriation of a little less than $5,000. The St. John River, the boundary line between Maine and Canada, has been used by the lumbermen for very many years for floating their logs down the stream.

About 1909 there was a difference of opinion between the Dominion lumbermen and the Maine lumbermen which caused a dispute, and it looked at one time as though it might be very serious. The matter was taken up with the State Department, and the Government appointed commissioners to meet commissioners of the Dominion of Canada. They met on the river, and for days and months held meetings, calling in surveyors and engineers. They had to go over the old Webster-Ashburton treaty to find the provisions of that instrument, and the matter dragged along until about 1918.

Mr. DIAL. Is the bill for the relief of the commissioners?

Mr. FERNALD. It is for the pay of the commissioners. The matter was taken up by the State Department, with Mr. Polk, I think, the Undersecretary, and there was no question except as to the amount to be allowed one of the attorneys, the counsel for the States, Mr. Fellows. Mr. Fellows claimed that he ought to receive $50 a day. The department said that that was more than was customary in such cases, and held that $25 a day was sufficient. There was no question about the pay of the other two commissioners. Mr. Fellows was the counsel.

The Dominion had three counsel, who worked 517 days and received $50 per day. Mr. Fellows was alone as counsel for the States, and put in but 374 days, a little more than half as many as the Dominion counsel, and he claimed that he should receive at least as much compensation per diem as they did. But the department felt differently about it, and finally last year Mr. Fellows died, and the first commissioner died; the second commissioner was appointed and he died, so that now there is only one of the original commissioners left.

Mr. Fellows's sons came here and we took the matter up with the Secretary of State, who said that he would go over the accounts and come to some settlement, that it had been dragging along for so many months. He did so, and I hold a letter in my hand from the Undersecretary with a statement of the account. Last year the item was put in the Budget, but when it came to the Committee on Appropriations it went out on the point of order that it was a claim and should be considered by the Committee on Claims.

Last week I went before the Committee on Claims and stated the case in detail. There seemed to be no trouble at all. There was a very full attendance of the committee, and they were all of the opinion that the claims should be allowed.

Mr. DIAL. They were asking for $25 a day, and not $50?

Mr. FERNALD. Yes; the claim is for $25 a day.

Mr. DIAL. I notice that the report states that "It is considerably greater than the number of days for which the Canadian members of the commission received compensation, as is indicated by the following comparative table." But I accept the Senator's statement that it was less time.

Mr. FERNALD. The Secretary recommends that this amount shall be paid them. Mr. Fellows died believing that he did not receive sufficient compensation. He felt that inasmuch as the time he put in was only about half as much as that of the Dominion attorneys, he ought to receive at least as much per day as they did. But he passed out, and his sons and all of the estates of the commissioners are entirely satisfied with the bill.

The bill was reported to the Senate without amendment.

Mr. HARRISON. The bill is still open to debate?

The PRESIDENT pro tempore. It is.

TAX REDUCTION PLANS.

Mr. HARRISON. Mr. President, for several weeks the papers have been full of propaganda in behalf of the so-called Mellon plan to reduce taxes. Not only have the papers been employed in carrying on that propaganda, but the motion pictures have been used quite extensively to create the impression in the country that the Mellon plan to reduce taxes is the only wise and just plan. In fact the propaganda has been ingenious, so general, and so well organized that it has about got the country to believe that the Mellon plan will cure all ills and that a Congressman would be almost a traitor to his country if he should suggest any modification or other plan. Of course in time the American people will know better.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Certainly.

Mr. SIMMONS. Is it not also the attitude that he should not only not suggest any other plan, but that he must accept the Mellon plan without emendation?

Mr. HARRISON. Without the dotting of an "i" or the crossing of a "t." Why, already there has been, upon the part of the minority in the other branch of Congress, a splendid plan suggested, one that will reduce taxes and guarantee a tax reduction. The main difference in the two plans is that out of the 6,662,000 income-tax payers of the year 1921 the so-called Garner plan would give a greater reduction in taxes to 6,650,000 than would the Mellon plan, and that the Mellon plan would give a greater degree of reduction of taxes to 12,000 out of the 6,662,000.

While the minority plan, known in the House as the Garner plan, is a more equitable and just plan, one that would lift greater burdens from the American taxpayer than the so-called Mellon plan, they have sold the latter plan to the country and people are writing letters to their Senators and their Congressman by the basket load, telling them to accept nothing but the Mellon plan.

I have called attention to the newspaper propaganda and to the motion-picture propaganda. I had no idea, until I was handed the piece of propaganda which I now hold in my hand, that the banks had had letters printed to send to their customers asking them to write to their Congressmen and Senators to do nothing to obstruct the Mellon plan from being enacted in toto, and going to the expense upon the part of their stockholders of preparing a form letter for their customers so that they would not have to take the unnecessary time and go to the unnecessary expense of writing out a letter for themselves, the letter being addressed to their particular Congressman and Senator.

This document came into the hands of a customer of a big bank in New Jersey. It reads as follows:

Voters and taxpayers:

There is no more important economic problem before our citizens to-day for solution than that of reducing the expenditures of our Government and of establishing proper tax programs to secure only the moneys necessary to meet these expenditures.

The substantial tax-reduction plan proposed by Secretary Andrew W. Mellon is of particular interest to every taxpayer, especially to the great mass of people with moderate incomes, and it has struck a responsive chord throughout the country.

This plan will mean not only a reduction in your taxes, but also a reduction in your expenses. Many do not realize it, but they are interested whether they pay taxes directly or indirectly, for high taxes

cause one to pay more for clothing, food, rents, etc. Every taxpayer, whether his or her income is derived from salary, business, real estate, stocks, or bonds, will benefit. The reduction will allow expansion and development of industry and commerce, which will mean employment and more wages, dividends, and interest for our people.

If you are interested in having your taxes reduced, and we presume that of course you are, we urge you to communicate with your Senators and Representatives in Congress at Washington, D. C., advocating the adoption of this measure. A letter, similar in effect to the form appended hereto, should be mailed by you at once to each of those representing our State and district, whose names are given herewith: United States Senators, Hon. WALTER E. EDGE and Hon. EDWARD I. EDWARDS. Congressmen, Hon. CHARLES F. X. O'BRIEN, twelfth district; Hon. JOHN J. EGAN, eleventh district; and Hon. FRANK MCNULTY, eighth district.

Then the form letter that is suggested by the bank to be written to these gentlemen reads as follows:

Hon. ——— ———,

Washington, D. C.

DEAR SIR: As a voter and taxpayer I respectfully urge and request you to take an aggressive and persistent stand for lower Federal taxes, to support the Mellon tax-reduction plan, and to refrain from voting in favor of any legislation which will interfere with the carrying out of such a tax-reduction program.

Very truly yours,

———— ————.

But they have not stopped at that. Not only are the banks and railroads busy, and the motion-picture industry and the newspapers, but to my surprise and astonishment, yesterday, traveling on a Pennsylvania Railroad train from New York to Washington, I found a card in the diner entitled "Pennsylvania Railroad System—Dining Car Menu" in front of everyone who might seek to get something to eat. On the back of it in large type are the words:

Give tax reduction the right of way.

Then follows this language:

In his recent message to Congress President Coolidge said: "The taxes of the Nation must be reduced now as much as prudence will permit, and expenditures must be reduced accordingly.

"High taxes reach everywhere and burden everybody. They bear most heavily upon the poor."

And yet the President, if he is correctly quoted, refused to consent to a single change in a single detail upon the part of the Republican organization in the House Ways and Means Committee.

They bear most heavily upon the poor.

Yes; but the Mellon plan takes it off of the rich and puts it upon the poor. The so-called Garner plan takes the taxes off to a greater extent from 6,670,000 income-tax payers, while the Mellon plan takes it off of only 12,000. Whom did the President have in mind when he said:

They bear most heavily upon the poor.

Was it the crowd that had this printed and placed upon the table in the dining car of the Pennsylvania Railroad Co.?

Quoting further from the President's message:

They diminish industry and commerce. They make agriculture unprofitable. They increase the rates on transportation.

They are a charge on every necessary of life.

This is President Coolidge speaking now, who said that high taxes are a charge on every necessary of life, and yet this Congress has not attempted and the President has not suggested a reduction of a single tariff rate imposed in the McCumber-Fordney tariff law that places four billions of dollars in taxes upon the consumers of America.

Let me, in passing, just make this suggestion: If this administration is sincere, if Secretary of the Treasury Mellon wants to give some relief to the taxpayers of the country, and if you want to make a record to go before the people in the coming campaign, do not seek to reduce the high surtaxes from 50 per cent to 25 per cent, but get busy and try to take off some of those iniquitous tariff rates on sugar and meat and flour and the other necessaries of life. That would insure a reduction, not only in taxes but in the cost of living.

Mr. CURTIS rose.

Mr. HARRISON. Yes; I was addressing my remarks to the Senator from Kansas, who is a member of the Finance Committee.

Mr. CURTIS. I suppose the Senator would like to have us place the country in the same position it was in under the Underwood tariff act in 1913 and 1914, when, in the winter months, it was necessary to maintain soup houses all over the country for the poor.

Mr. HARRISON. I am glad the Senator called attention to that, but he is just as inaccurate about that as he is about many other matters. The country will not forget that under the Underwood tariff law we had a balance of trade in our favor in 1914——

Mr. CURTIS. Mr. President——

Mr. HARRISON. Wait a moment. The Senator has asked for information. He has come to the right source, and I am going to give it to him if he will just permit me. Under the Underwood-Simmons tariff law—I suppose the Senator voted against it?

Mr. CURTIS. I did, and would do so again.

Mr. HARRISON. I supposed he did; but that legislation was in the interest of the people. Under the Underwood-Simmons tariff law we had a balance of trade of $3,000,000,000, and yet under the law which was framed by the Senator and his party during the last year we have a balance of trade, including the exports and imports of gold and silver, not in our favor, but against us, to the amount of $30,000,000. If it had not been for the Senator and his colleagues thwarting the plans of the people who wanted to restore Europe and have it get upon its feet, we would have a greater degree of prosperity than we have to-day.

Mr. CURTIS. The Senator very wisely picks out a year after the war began in Europe. Not until the war began in Europe did our exports exceed our imports.

Mr. HARRISON. That is exactly what I wanted the Senator to say.

Mr. CURTIS. That is what I said.

Mr. HARRISON. I thought the Senator would fall into that error. I picked out the year before the war began.

Mr. CURTIS. When did the war begin?

Mr. HARRISON. If the Senator will refresh his memory and go to the statistics, he will see that under the Underwood-Simmons tariff law we had the greatest balance of trade ever given to us under any tariff act. Now, if I should have chosen to take the war period, I would have stated that it increased to $9,000,000,000 in our favor. That is startling to the Senator, and I know it is. But I must give him facts.

Mr. CURTIS. The Senator does not give the date when the war began in Europe, because if he does he will have to state it as in 1914.

Mr. HARRISON. I mentioned 1914 and 1913. Our balance of trade in 1913 was between two billion and three billion dollars. In 1914 it was about $3,000,000,000, and during the war it rose to something like $9,000,000,000 or more, but now it is $20,000,000 against us. Is there anything else the Senator wants to ask me?

Mr. CURTIS. I want to ask the Senator if he was as accurate about the tariff as he probably was about the reduction of taxes? Does not the Senator know that under the Mellon plan there would be a reduction of taxes all along the line?

Mr. HARRISON. Yes; of course. I admit that, but as I said——

Mr. CURTIS. Yes; the Senator admits it now, but the Senator in his previous statement did not admit it; in other words, he tried to avoid it.

Mr. HARRISON. The trouble with the Senator from Kansas is that he was not listening to me. I am going to refresh the Senator's memory about what I did say.

Mr. CURTIS. I would like to say——

Mr. HARRISON. Does not the Senator want to hear me?

Mr. CURTIS. The Senator is so inaccurate in all of his statements that I really do not care much whether I hear him or not.

Mr. HARRISON. I do not know how I could be any more accurate. I have given to the Senator the exact figures. He does not disclaim that the figures are correct. I said the so-called Garner plan would give a greater reduction of taxes to 6,650,000 income-tax payers in America out of the 6,662,000 than the Mellon plan, and that the Mellon plan would give a greater reduction of taxes to 12,000 income-tax payers.

Mr. CURTIS. I think——

Mr. HARRISON. Wait until I finish.

Mr. CURTIS. If the Senator had said that in the first place, I would not have asked the question.

Mr. HARRISON. The Mellon plan gives a reduction of taxes all down the line, but the Democratic plan gives a greater reduction of taxes all down the line except on the 12,000 big fellows who pay the high surtaxes, and on those it seeks to give a very fair and equitable reduction.

Mr. CURTIS. But the Senator did not state that at first, or at least I did not so understand.

Mr. HARRISON. I state it now, and that is what I wanted to do. The Senator is adroit. He is not only a great debater but he is a pretty smooth organizer, and he knows the old trick of trying to divert attention when his opponent is on the trail of some one. He did not want me to read the message of President Coolidge, but I am going to finish the reading of it notwithstanding that fact. I am going to read this propaganda that is gotten out by the Pennsylvania road, and I presume by other railroads in the country, to "write to your Senator, write to your Congressman, and indorse in toto the Mellon plan."

I make the prediction now in the presence of the distinguished Senator from Kansas, one of the leaders on the floor, that he would not now vote for the Mellon plan just as Mellon has presented it to Congress.

Mr. CURTIS. The Senator from Mississippi suggests that because he knows that the Senator from Kansas has introduced an adjusted compensation measure and proposes that the money to pay the adjusted compensation be raised in the revenue act.

Mr. HARRISON. Would the Senator have voted for the Mellon plan as it was given to Congress even if the bonus proposition did not come up?

Mr. CURTIS. I would not promise to vote for any plan until I had time to study it.

Mr. HARRISON. Of course, no one would indorse the Mellon plan in toto.

Mr. CURTIS. I am not like the Senator from Mississippi.

Mr. HARRISON. And yet we are asked to adopt it as a whole, without modification and without suggestion. Does the Senator want to ask me something?

Mr. CURTIS. No; I was just going to remark that I was surprised that the Senator would eat a meal on the Pennsylvania train when he could have waited a little while and had a better meal in the Senate restaurant at less expense.

Mr. HARRISON. But I was traveling on the train. I would rather eat in the Senate restaurant, if that were possible.

Returning to the message of President Coolidge, I read further:

> They are a charge on every necessary of life.
>
> Of all services which the Congress can render to the country I have no hesitation in declaring this one to be paramount.
>
> To neglect it, to postpone it, to obstruct it by unsound proposals is to become unworthy of public confidence and untrue to public trust.
>
> The country wants this measure to have the right of way over all others.

Then having thus quoted from President Coolidge's message the menu proceeds as follows:

> An effective plan for such tax reduction is proposed by Secretary of the Treasury Mellon. We all can help to reduce taxes by writing or telegraphing to our Congressmen and Senators indorsing this plan.
>
> You may take this menu, if you so desire.

That is the species of propaganda which is being circulated in behalf of the so-called Mellon plan. Millions of letters have come here from people who probably have not read the Mellon plan and who in many instances know absolutely nothing about the alternative plan; yet they are trying to commit Congress to such a proposition.

ST. JOHN RIVER COMMISSION.

The Senate resumed the consideration of the bill (S. 210) for the relief of Peter C. Keegan and others.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MUNICIPAL BRIDGE AT ST. LOUIS, MO.

The bill (S. 987) to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis within the States of Illinois and Missouri, was announced as next in order.

Mr. CURTIS. Mr. President, the Senator from Illinois [Mr. McKINLEY] the other day asked that that bill go over, and as both the Senators from Illinois are absent I ask that the bill now go over. I do not know whether or not they desire that the bill shall be passed in its present form.

The PRESIDENT pro tempore. Being objected to, the bill will be passed over.

MATERIAL AND LABOR FURNISHED FOR DISTRICT BUILDINGS.

The bill (S. 1342) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the act entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," approved February 28, 1899, is hereby amended so as to read as follows:

"That hereafter any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work shall be required before commencing such work to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor and materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States or by the District of Columbia on the bond of the contractor and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States or the District of Columbia. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then after paying the full amount due the United States or the District of Columbia the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States or the District of Columbia within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and material shall, upon application therefor and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States or the District of Columbia, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof and shall be commenced within one year after the performance and final settlement of said contract and not later: *And provided further*, That where suit is so instituted by a creditor or creditors, only one action shall be brought, and any creditor may file his claim in such action and be made a party thereto within one year from the completion of the work under said contract and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond less any amount which said surety may have had to pay to the United States or the District of Columbia by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation published in the District of Columbia, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

The bill was reported to the Senate without amendemnt.

Mr. FLETCHER. Mr. President, may I inquire of the Senator having charge of the bill what particular change is proposed by the bill or what is intended to be accomplished by its passage?

Mr. CAPPER. The legislation here proposed is requested by the Commissioners of the District of Columbia. It simply makes applicable to buildings in the District of Columbia the same law which applies to Government buildings. The purpose of the bill is stated in a paragraph in a letter from the Commissioners of the District of Columbia, and if the Senator wishes I shall take just a moment to give him that information. The commissioners state that on August 13, 1894, Congress passed an act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works." They further state:

> The act of Congress approved February 28, 1899, Public, No. 62, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings" makes the terms of the act quoted above applicable to the District of Columbia.

Experience under the act of Congress of August 18, 1894, showed that the interests of the United States were not adequately protected, and as a result this act was amended by an act of Congress approved February 24, 1905.

The original act gave the person furnishing labor or material to a contractor a right of action without limit as to time and without giving the United States priority in an action upon a bond. The amendatory act of February 24, 1905, gives priority to the claims and judgments of the United States and does not permit an action other than that brought by the United States until six months after the completion and final settlement of the contract. It also requires that any person having the right of action shall institute same within one year after the performance and final settlement of the contract, and provides that a person furnishing labor or material under the contract shall have the right to intervene and be made a party to any action instituted by the United States on the bond and to have his rights and claims adjudicated in such action, subject to the priority of the claim and judgment of the United States. It is also provided that where suit or action is brought by any creditor, only one such action shall be brought, but gives the right to any creditor to file his claim in such action and be made a party thereto within one year from the completion of the work under contract.

The amended legislation, while applicable to public works of the United States, is not applicable to public works of the District of Columbia, and in order to correct the defects in the act of February 28, 1899, relating to public works of the District of Columbia—

The commissioners request that this legislation be enacted.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The call of the calendar is completed.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, January 15, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1924.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

SIGNAL CORPS.

Capt. John Adams Ballard, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

CAVALRY.

Capt. Daniel Warwick Colhoun, Field Artillery, with rank from July 1, 1920.

COAST ARTILLERY CORPS.

Capt. Abraham Max Lawrence, Infantry, with rank from July 1, 1920.

PROMOTION IN THE REGULAR ARMY.

MEDICAL ADMINISTRATIVE CORPS.

To be first lieutenant.

Second Lieut. William Francis Coleman, Medical Administrative Corps, from January 5, 1924.

APPOINTMENT IN THE REGULAR ARMY.

Martin Hamlin Burckes, of Massachusetts, to be second lieutenant of Field Artillery in the Regular Army of the United States, with rank from December 19, 1923.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1924.

UNITED STATES MARSHAL.

Roy B. Gault to be United States marshal, southern district of Iowa.

PROMOTIONS IN THE ARMY.

John Richard Carroll to be chaplain with rank of first lieutenant.

James Kirk to be major, Ordnance Department.

George Philip Seneff to be captain, Field Artillery.

Sherman Miles to be major, Coast Artillery Corps.

POSTMASTERS.

ALASKA.

George W. Robbins, Valdez.

IOWA.

Arthur E. Granger, Marion.

MISSOURI.

Lester H. Pettit, Ava.
Edward A. Birkmann, Beaufort.
Verner H. Kirkendall, Birch Tree.
Nellie B. Gallihugh, Blairstown.
George C. Blackwell, Breckenridge.
Cleo J. Burch, Brookfield.
Joe D. Scott, Bunceton.
A. B. Williams, Campbell.
Robert D. Gardner, Center.
Edward J. Schmidt, Centralia.
Calvin T. Morrissy, Clifton Hill.
Anna B. Thomas, Corder.
Isaac N. Parrish, Cowgill.
Gustave R. Baumann, Creve Coeur.
Bransby B. Houghton, Crystal City.
Harry C. Grant, Cuba.
Percy B. Kidney, Darlington.
Sallie F. Duncan, Dearborn.
Loda W. Rogers, Everton.
Mandana A. Schriefer, Fornfelt.
Isaac H. Arnold, Forsyth.
Henry W. Schupp, Fremont.
George L. Keener, Galt.
William B. Green, Goodman.
Robert C. Remley, Grain Valley.
Abraham M. Smelser, Grandin.
Thomas A. Scott, Greenfield.
Harley C. Shively, Hamilton.
Ruby E. Howe, Hardin.
Tom D. Purdy, Harris.
George Scott, Higginsville.
Jennette M. Boisseau, Holden.
William E. Duff, Houston.
John W. Rissler, Houstonia.
Amanda P. Renfrow, Humansville.
Joseph Q. Martin, Huntsville.
Maurice Craig, Ilmo.
Joseph C. Forshee, Ironton.
John G. Kies, Jackson.
Benjamin F. Linhardt, Jefferson City.
Roy S. Kline, Kearney.
Victor M. Blankenship, Kennett.
Hugh L. Virtue, Kingston.
Ray C. Waddill, Kirksville.
Oliver H. Simmons, Lancaster.
Harrison T. Fowlkes, Lees Summit.
Ernest A. Wilson, Liberal.
Byron Burch, Linneus.
William A. Barnes, Marston.
Ethel I. Kehr, Marthasville.
Henry H. Jones, Memphis.
John M. Medcalf, Monroe City.
Edward F. Walden, Morehouse.
Howard W. Mills, Mound City.
Leslie R. Millsap, Mount Vernon.
Charles E. Curtice, Neosho.
Ray R. Kelly, New Hampton.
Celia F. Kerr, New Madrid.
Eugene E. Wyatt, Oak Grove.
Sam S. Ruton, Odessa.
Frank L. Zeller, Oregon.
Henry O. Hopp, Oronogo.
Amy B. Burchard, Owensville.
Bruce C. Maples, Ozark.
Bettie G. Flanders, Paris.
James W. Fleming, Parkville.
Delbert Fisher, Pattonsburg.
Samuel S. Freeman, Piedmont.
Earl A. Blakely, Revere.
Leon W. Mathews, Rich Hill.
Jesse A. Linthacum, Ridgeway.
Lou A. Slade, Rocheport.
Lester S. Eddings, Rogersville.
Alfred A. Smith, Rolla.
Elliot Marshall, St. Joseph.
Herman G. Roseman, St. Marys.
Francis B. McCurry, Salisbury.
Luster C. Cottrill, Savannah.
Otis H. Storey, Senath.
George D. Harris, Slater.
William S. Copeland, Steele.

Rufus G. Beezley, Steelville.
Waldo E. Andrew, Sweet Springs.
Charles H. Duncan, Tarkio.
Estel G. Crawford, Tipton.
Hattie Stierberger, Union.
Harry N. Lutman, Versailles.
Fletcher G. Smart, Webb City.
Dorothy M. Ritter, Wellington.
Artie B. Keadle, Wellsville.
Lee H. Bently, Westboro.
Archie T. Hollenbeck, Westplains.
Charles Hawker, Wheeling.
Cornelius F. Strack, Wright City.

OKLAHOMA.

James K. Malone, Allen.
William S. Sibley, Arnett.
R. Julian Miller, Bokchito.
John R. McIntosh, Chelsea.
Downey Milburn, Coweta.
John W. Brookman, Coyle.
Leroy J. Myers, Dustin.
Thomas H. Henderson, Fort Cobb.
Ira A. Sessions, Grandfield.
Frederick M. Deselms, Guthrie.
James O. Dowdy, Haskell.
Isom P. Clark, Heavener.
Calvin C. Wilson, Henryetta.
Alfred J. Canon, Hinton.
Maude S. Chambers, Jenks.
Noah B. Hays, Keota.
William H. Jones, Kiefer.
Roy Sherman, Lexington.
Jesse T. Webb, Locust Grove.
John H. Shufeldt, Nowata.
John A. Norris, Okeene.
Charles H. Johnson, Pawnee.
Mary E. L. Allen, Ramona.
William P. Harris, Sasakwa.
Howard Morris, Soper.
Louis G. Scott, Stroud.
Virgil T. Gannoway, Tuttle.
Floyd Marty, Wirt.
Frank C. McKinney, Yukon.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 14, 1924.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, how marvelous and wonderful are the works of Thy hands. Back of all created things, what wisdom, what power, what majesty. Oh, what is man that Thou art mindful of him and the son of man that Thou visitest him. May we take heed, blessed Lord, and love mercy, do justly, and walk humbly with our God. May divine beauty and goodness abide in every breast and bless every home. Under Thy guidance may our people move forward to higher and grander achievements, and in contact with our fellows and in the discharge of every duty may we fulfill the law of the prophets. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, January 12, 1924, was read and approved.

LEAVE OF ABSENCE.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that my colleague, Mr. KOPP, may be executed for the balance of the week on account of illness.

The SPEAKER. The gentleman from Iowa asks unanimous consent that his colleague, Mr. KOPP, be excused for the balance of the week on account of illness. Is there objection?

There was no objection.

APPOINTMENTS BY THE SPEAKER.

The SPEAKER. The Chair will announce the following appointments:

Mr. GARRETT of Tennessee a member of the House Office Building Commission.

Mr. NEWTON of Minnesota a member of the Board of Regents of the Smithsonian Institution.

Mr. SMITH a member of the Board of Trustees of Columbia Institution for the Deaf.

SUNDRY MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

THE RULES.

Mr. SNELL. Mr. Speaker, I present the following privileged report from the Committee on Rules. Pending the reading of the report I would like to ask the gentleman from Tennessee if we can not make some agreement on time that will tend toward the orderly procedure of debate. It is not my intention to even attempt to move to cut off debate, but I think we should have some agreement with reference to it, and that the gentleman from Tennessee might have control of the time of those opposed and that the gentleman from New York have control of time of those who favor the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, upon this side there is no opposition to the resolution as reported, except that we have some amendments to offer on the part of the Democratic members of the Rules Committee. I do not know whether there is any opposition anywhere to the resolution. There is a desire to amend. The gentleman's suggestion as to the control of time by those in favor and by those against might not work out well.

Mr. SNELL. My idea was to have some control of the time, so that there would not be a dozen men rising and seeking recognition at one time. I suggested a control of the time for the orderly procedure of debate and that was all I had in mind.

Mr. GARRETT of Tennessee. After the discussion of the resolution itself I do not think there will be five minutes required on this side, but when it comes to amendments there will be a desire for discussion on this side. I do not know whether the gentleman's proposition is that the time be controlled so that it can be yielded for debate and the purpose of amendment or not.

Mr. SNELL. I intended that we should yield for amendments as well, simply for the orderly procedure of debate.

Mr. GARRETT of Tennessee. That we should yield time for discussion for amendments?

Mr. SNELL. Yes; for instance, if the gentleman had control of two hours and I had control of two hours, we could yield it to Members on each side of the aisle and they could offer the amendments and discuss them.

Mr. GARNER of Texas. But you will have to vote for an amendment when you offer it.

Mr. GARRETT of Tennessee. I think the amendment should be voted upon after being offered. I venture to suggest to the gentleman that we let the matter run along for a while under the general rules and later in the afternoon probably we can come to some agreement upon it.

Mr. SNELL. That will be satisfactory to me.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 146.

Resolved, That the rules of the House of Representatives of the Sixty-seventh Congress be adopted as the rules of the House of Representatives of the Sixty-eighth Congress with the following amendments:

1. Clause 2, Rule X: Strike out "25" and insert in lieu thereof "26," so that as amended the clause shall read: "On Ways and Means, to consist of 26 members."

2. Clause 21, Rule X: Strike out "20" and insert in lieu thereof "21," so that as amended the clause shall read: "On Public Buildings and Grounds, to consist of 21 members."

3. Clause 23, Rule X: Strike out "14" and insert in lieu thereof "15," so that as amended the clause shall read: "On Labor, to consist of 15 members."

4. Clause 31, Rule X: Strike out the words "Reform in," so that as amended the clause shall read: "On the Civil Service, to consist of 13 members."

5. Clause 34, Rule X: Strike out the words "of Arid Lands" and insert in lieu thereof the words "and Reclamation"; strike out "15" and insert in lieu thereof "17," so that as amended the clause shall read: "On Irrigation and Reclamation, to consist of 17 members."

6. Clause 35, Rule X: Strike out "15" and insert in lieu thereof "17," so that as amended the clause shall read: "On Immigration and Naturalization, to consist of 17 members."

7. Clause 50, Rule X: Strike out "16" and insert in lieu thereof "17," so that as amended the clause shall read: "On the Census, to consist of 17 members."

8. Rule X: Transfer clause 54a to clause 51a.

9. Rule X: Transfer clause 54b to clause 54a.

10. Rule X: Transfer clause 51a to clause 51b.

11. Rule X: Insert a new clause as follows: "51c. On World War Veterans' Legislation, to consist of 17 members."

12. Clause 31, Rule XI: Strike out the words "reform" and "Reform in," so that as amended the clause shall read: "To the civil service—to the Committee on the Civil Service."

13. Clause 34, Rule XI: Strike out the words "of arid lands," and insert in lieu thereof the words "and reclamation;" strike out the words "of Arid Lands," where they appear a second time and insert in lieu thereof the words "and Reclamation," so that as amended the clause shall read: "On irrigation and reclamation—to the Committee on Irrigation and Reclamation."

14. Clause 36, Rule XI: Strike out the word "nine" and insert the word "eleven."

15. Transfer clause 54a, Rule XI, to clause 51a.

16. Transfer clause 54b, Rule XI, to clause 54a.

17. Transfer clause 51a, Rule XI, to clause 51b.

18. Rule XI. Insert a new clause, as follows: "51c. To war-risk insurance of soldiers, sailors, and marines, and other persons in the military and naval service of the United States during or growing out of the World War, the compensations and allowances of such persons and their beneficiaries, and all legislation affecting them other than adjusted compensations, pensions, and private claims—to the Committee on World War Veterans' Legislation."

19. Clause 56, Rule XI: Add a new paragraph to read as follows:

"The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar, and if not called up by the member making the report within nine days thereafter, any member designated by the committee may call it up for consideration."

20. Rule XI: Add a new clause, as follows: "58. The several elections committees of the House shall make final report to the House in all contested-election cases not later than six months from the first day of the first session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months."

21. Clause 3 of Rule XIII: Strike out all of clause 3 of Rule XIII, and insert in lieu thereof the following:

"3. After a bill which has been favorably reported shall be upon either the House or the Union Calendar, any Member may file with the Clerk a notice that he desires such a bill placed upon a special calendar to be known as the Consent Calendar. On days when it shall be in order to move to suspend the rules, the Speaker shall, immediately after consideration of all motions pending on the Calendar of Motions to Discharge Committees from further consideration of public bills and resolutions which may be called up shall have been disposed of, direct the Clerk to call the bills which have been for three days upon the Consent Calendar. Should objection be made to the consideration of any bill so called, it shall immediately be stricken from such calendar, but such bill may be restored to the calendar at the instance of the Member, and if again objected to by three or more Members it shall be immediately stricken from such calendar, and shall not thereafter be placed thereon: *Provided*, That the same bill shall not be called twice on the same legislative day."

22. Rule XXVII: Strike out all of clause 4 of Rule XXVII and insert in lieu thereof the following:

"4. A Member may present to the Clerk a motion in writing to discharge a committee from the consideration of a bill or resolution which has been referred to it 30 days prior thereto (but only one motion may be presented for each bill or resolution). The motion shall be placed in the custody of the Clerk, who shall arrange some convenient place for the signature of Members. The Clerk shall issue a duplicate of the motion to the Member, who may present such duplicate to Members for signature. A signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal. After 150 Members have signed the motion and duplicate the motion shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to Discharge Committees.

"On the first and third Mondays of each month, except during the last six days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least seven days prior thereto and seeks recognition shall be recognized for the purpose of calling up the motion, and the House shall proceed to its consideration in the manner herein provided without intervening motion, except one motion to adjourn. Recognition for the motions shall be in the order in which they have been entered.

"When the motion shall be called up, the bill or resolution shall be read by title only. After 20 minutes' debate, one-half in favor of the proposition and one-half in opposition thereto, the House shall proceed to vote on the motion to discharge. If the motion prevails, it shall then be in order for any Member who signed the motion to move that the House proceed to the immediate consideration of such bill or resolution (such motion not being debatable), and such motion is hereby made of high privilege; and if it shall be decided in the affirmative, the bill shall be immediately considered under the general rules of the House. Should the House by vote decide against the immediate consideration of such bill or resolution, it shall be referred to its proper calendar and be entitled to the same rights and privileges that it would have had had the committee to whom it was referred duly reported same to the House for its consideration: *Provided*, That when any motion to discharge a committee from the consideration of any public bill or resolution has once been acted upon by the House it shall not be in order to entertain any other motion for the discharge from the committee of said measure."

Mr. GRAHAM of Illinois. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GRAHAM of Illinois. In considering this resolution, will it be read again by section for amendment?

The SPEAKER. The resolution will not be again read for amendment as in Committee of the Whole. Any amendment will be in order at any time.

Mr. GRAHAM of Illinois. And the gentleman from New York will be now recognized?

The SPEAKER. The Chair will recognize the gentleman from New York.

Mr. SNELL. Mr. Speaker and gentlemen of the House, at the beginning of the session we adopted the rules of the Sixty-seventh Congress to be the rules of the Sixty-eighth Congress until January 14. Last Thursday night I obtained unanimous consent that the rules of the Sixty-seventh Congress as amended shall be in force during the consideration of this resolution. So we are working to-day under the rules of the Sixty-seventh Congress.

The Rules Committee of the present House was appointed on December 17. I immediately called the Rules Committee together, and we started public hearings on the proposed revision of the rules and amendments on December 20. We held those hearings as long into vacation as anyone desired to appear before the committee. Immediately after the vacation we started public hearings and continued them until last Monday night, January 7. We heard every man who desired to come before the committee that was present in Washington at that time. We gave him a full and ample opportunity to present to the committee his views in regard to the proposed amendments. From the 7th of January to the present the committee has been in executive session considering the various amendments that were proposed to the committee.

We fully appreciate the responsibility and the seriousness and the difficulty in amending the standing rules of the House. We have approached this proposition with an absolutely open mind and with an honest and earnest desire to as far as possible reconcile the various opinions of the different elements of this House at the present time and present a report that was fair to all and would be accepted by the Members of the House.

It is not an easy matter, as the older Members all know the rules of the House to a very large degree are interdependent one on the other. It is almost a physical impossibility to lift one rule out of this organization of rules, amend it as you see fit, put it back into the organization, and have it still perform the function that is expected of it. To properly amend the rules of the House you must study each individual rule and its relation to the other rules.

You must know the history of that rule, you must see the reason why it was placed in the body of rules itself, you must also follow it clear through to the end, and see just exactly what will be the effect of considering legislation under the rule as amended. Very often an apparently very unimportant amendment, so to speak, will cause you considerable difficulty in considering legislation under the rule as amended in connection with the other rules of the House.

These rules are not of mushroom growth. They are the result of the practice, growth, and development of over 100 years. They have been drafted by the finest legislative minds this country has ever produced. Personally, I believe, notwithstanding some minor defects, taking them as a whole, and considering them from every angle, they are the best set of rules that govern any national legislative body in the world. I have no pride of authorship in these rules. I never helped to draft more than one or two of them, but I am intensely interested in having rules of the House that will, first, facilitate public business.

I want to have rules of the House that will amply protect the individual and at the same time protect the House itself against the individuals. I am interested in having rules that will give every single possible right to the minority, but at the

same time the majority is entitled to have rules that would allow them to function and that do not obstruct and hamper them in putting their legislation into effect. Above all, I want rules that will protect the dignity and the integrity of the House itself. It was with these general principles in mind that your Committee on Rules entered upon this task, and we have tried to be honest, to be just, to be fair in every recommendation that we are presenting to you in our report. I desire now to take these rules up, one by one, and explain to the membership of the House exactly what we intend doing by the proposed amendments.

Mr. NELSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. NELSON of Wisconsin. Some of us are very much interested in other proposed rules that have been presented to the Committee on Rules for revision, and I wish to concur with what the gentleman from Tennessee [Mr. GARRETT] said, that there is no opposition to these provisions now before us, save we wish to make a few amendments. We are practically agreed upon the substance of the report from the Committee on Rules, but there are many other propositions before the Committee on Rules, and I ask now what the chairman proposes to do with reference to the provisions that we have not been able to take up.

Mr. SNELL. Mr. Speaker, as soon as some pressing business that is before the committee at the present time is disposed of, we expect again to start hearings, and we propose to discuss fairly and squarely every proposed amendment before the committee and report on such amendments as seem feasible and desirable as fast as it is possible for the Committee on Rules to consider them.

Mr. MOORE of Virginia. Mr. Speaker, if the gentleman will yield, the gentleman seems to have dealt with very few of the propositions that were discussed before his committee. The gentleman has not informed us with respect to the tentative views of his committee relative to those propositions. It strikes me, without any disrespect to the gentleman, as a little singular, with so much time given to hearings in respect to various propositions not dealt with in the report, that there has been a failure to deal with them.

Mr. SNELL. I do not think the gentleman can say that the Committee on Rules has not thoroughly, justly, and honestly given consideration to these matters.

Mr. MOORE of Virginia. I am not making any charge.

Mr. SNELL. We have worked faithfully and have gone into as many as time would allow us to go into and have discussed many of them that we are in practical unanimous accord upon, but we are not ready to report them at this time, because there are many correlative matters involved with them that we are not sure enough about to report at this time, and as I told the gentleman from Wisconsin, we will consider them and report upon them at a later date.

Mr. MOORE of Virginia. I may say to the gentleman with great respect that that would hardly satisfy me from my experience with the Committee on Rules heretofore. "A later date" has often meant "never."

Mr. SNELL. Has the present Committee on Rules ever before been in charge of the rules of the House? You can not always judge the future by the past.

Mr. Speaker, if gentlemen have before them the print with the star at the bottom, they have the corrected resolution. There were a few mistakes in the first print and I had it reprinted. I wish now to have the attention of gentlemen on the floor and I will try to explain the intention of the committee relative to each proposition presented. Let us take No. 1, where in clause 2, Rule X, it is proposed to strike out "25" and insert in lieu thereof "26." That is simply a change in the number of members upon the Ways and Means Committee and was granted by unanimous consent at the beginning of this Congress.

No. 2 has reference to the membership of the Committee on Public Buildings and Grounds and was also agreed to by unanimous consent at the beginning of this Congress. No. 3 refers to the Committee on Labor and provides for 15 members instead of 14 members. No. 4 reads as follows:

4. Clause 31, Rule X: Strike out the words "Reform in" so that as amended the clause shall read: "On the Civil Service, to consist of 13 members."

That is simply a change in the name of the committee to make it correspond with a similar committee in the Senate. It in no way changes the jurisdiction of the committee.

No. 5 proposes a change in the name of the Committee on Irrigation of Arid Lands so that it will be the Committee on Irrigation and Reclamation, and shall consist of 17 members instead of 15, as heretofore. The number was changed at the beginning of this session by unanimous consent, and the change in the name is simply to make the name correspond more with the work that is now performed by the committee, but it in no way changes the jurisdiction of the committee. No. 6 proposes to raise the number of members on the Committee on Immigration and Naturalization from 15 to 17. That was also done by unanimous consent at the beginning of the session.

The same applies to No. 7, which proposes to amend clause 50, Rule X, by providing that the Committee on the Census shall consist of 17 members instead of 16 members.

Propositions 8, 9, and 10 change the numbers in the book and make no other changes whatever. 54a refers to the Committee on Roads, 54b to Committee on Flood Control, and 51a to the Committee on Woman Suffrage. They involve no material changes, except position and number.

Proposition No. 11 reads as follows:

Rule X. Insert a new clause as follows: "51c. On World War Veterans' Legislation, to consist of 17 members."

That proposes the creation of a new standing committee of the House, and the jurisdiction of the same I shall explain when I reach the committee on the next page.

No. 12, clause 31, Rule XI: Strike out the words "reform" and "Reform in," so that as amended the clause shall read:

To the civil service—to the Committee on Civil Service.

No. 13, clause 34, Rule XI, simply makes Rule XI conform to Rule X as amended.

No. 14, clause 36, Rule XI: Strike out the word "nine" and insert the word "eleven."

At the time the original rule was adopted there were nine expenditure committees in the House. At the present time there are 11, and that simply makes that rule applicable to 11 expenditure committees.

Mr. BLANTON. Will the gentleman yield right there?

Mr. SNELL. I will be glad to yield.

Mr. BLANTON. Has the gentleman any suggestion to offer, or does he know of any means, that would require any of these expenditure committees to have a meeting or do any work?

Mr. SNELL. I have not any at this time.

Mr. BLANTON. There is plenty of important and valuable work for them if they do it.

Mr. SNELL. That is a matter that is up to the committee itself.

Mr. KING. Has the gentleman from Texas any work he desires in that particular?

Mr. BLANTON. Yes.

Mr. KING. If he will refer it to the expenditures of the Committee on Agriculture, we would be glad to have it; never had anything yet.

Mr. BLANTON. I will give the committee something to do in checking up the big appropriations it expends.

Mr. SNELL. Nos. 15, 16, and 17 are for the purpose of making Rule XI correspond with Rule X.

No. 18, I want to call special attention to that. That defines the jurisdiction of the World War Veterans' Committee.

18. Rule XI. Insert a new clause as follows: "51c. To war-risk insurance of soldiers, sailors, and marines, and other persons in the military and naval service of the United States during or growing out of the World War, the compensations and allowances of such persons and their beneficiaries, and all legislation affecting them other than adjusted compensations, pensions, and private claims—to the Committee on World War Veterans' Legislation."

Mr. BULWINKLE. Will the gentleman yield?

Mr. SNELL. If the gentleman will wait until I have finished a short explanation, I will yield. I want to say that there is no opposition on the part of the committee or, so far as I know, on the part of any Member of the House to the formation of this committee, and the only question was that of jurisdiction. We heard several Members, and we finally decided, for the present at least, that perhaps it would be better to confine the jurisdiction of this committee entirely to World War veterans' legislation, although some Members appearing before the committee suggested that it take in other veterans, but to see how it would work out we have thought it better for the present to start by confining the jurisdiction to World War veterans alone.

Mr. BULWINKLE. Will the gentleman yield?

Mr. SNELL. I will yield to the gentleman.

Mr. BULWINKLE. Has the committee considered the question of hospitalization for veterans of the Spanish-American War and veterans of other wars as recommended by the President?

Mr. SNELL. I will say that question was brought up late in the discussion and we were not able to reach a definite conclusion. There was no objection on the part of the committee finally to include that when we found out exactly what could be done, but we were unable to find out definitely what could be done at this time and not interfere with other committees.

Mr. BULWINKLE. Does not the gentleman think that this could be so worded as to include the hospitalization of all veterans—all veterans of these other wars except in the matter of pensions?

Mr. SNELL. It could be done, and if it was the desire of the House we could refer all matters to this committee. But here is where a little difference of opinion arises. The suggestion was made to the committee to include all hospitalization. But we found we ran into trouble in doing that, as some branches of the service do not want to be included, and we were unable to get definite enough information to warrant our including it at this time. But if that can be eventually explained to the committee and it can be worked out properly, there is no disposition on the part of the committee not to include it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNELL. I will.

Mr. LAGUARDIA. The word "pensions," in line 21, is that understood to mean pensions of other wars in which we participated or would that take pension bills for veterans of the World War away from this committee to another committee?

Mr. SNELL. It certainly would. It is not intended to give this committee any jurisdiction over the subject matter of pensions. I now yield to the gentleman from Massachusetts.

Mr. WINSLOW. I would like to ask the chairman if the committee considered embodying in the jurisdiction of this new committee legislation which might properly come under the purview of the Veterans' Bureau which might not bear directly on the needs of the World War veterans?

Mr. SNELL. Well, we did consider that, and finally the consensus of opinion was that for the present at least we should start as a World War veterans' committee.

Mr. WINSLOW. Then, is it proper to infer that if a bill were brought in, say, for the Spanish War veterans or for those of the Boxer uprising, or any veterans of other wars in which this country has taken a part involving the provision which governs the operations of the Veterans' Bureau, that those bills must be referred to some other committee and not to the World War Veterans' Committee?

Mr. SNELL. I am glad the gentleman brought up that question. That question came up before the committee, and we took it up with the parliamentary clerk of the House and he said any bill of that character must necessarily be an amendment to the present war risk insurance act, and that it would naturally be referred to this committee.

Mr. WINSLOW. But you do not say so. This bears all World War veteran legislation, and that concerns only a certain number of men.

Mr. SNELL. The parliamentary clerk thought that under the present procedure any such measure would necessarily be an amendment to that act, and all amendments to that act would go, naturally, to this committee.

Mr. WINSLOW. Then it would follow as a consequence if, on the day when this committee might be formed under this provision, a bill should be put in to allow to the Spanish-American War veterans certain privileges, and so on, which are now accorded to the World War veterans, there would be no place to which that bill could be referred.

Mr. SNELL. I think, under the parliamentary practice and procedure now being followed, that it would be referred to this committee, because it would be an amendment, as I said, to that act.

Mr. WINSLOW. Yes; but you do not say so.

Mr. SNELL. I admit that; and perhaps it would be better to specify Veterans' Bureau.

Mr. WINSLOW. I think Veterans' Bureau should be specifically mentioned in defining the jurisdiction of the committee.

Now, the question is, Where would that proposition be referred?

Mr. SNELL. I say it would be referred to this committee.

Mr. WINSLOW. Does the committee believe it themselves?

Mr. SNELL. Yes.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRISP. Under the rules of the House it devolves upon the Speaker to refer bills to the proper committee. Of course the parliamentary clerk acts for the Speaker, but if the House adopts a new set of rules and creates a new committee and specially confers upon that new committee jurisdiction over matters dealing with World War veterans, except adjusted compensation, and a bill were introduced relating to the Veterans' Bureau, would not the Speaker be forced to refer it to the new committee?

I may say that I am in perfect sympathy with my friend, but it seems to me that with a new rule giving jurisdiction on these matters, considering the fact that the committee was not in existence when the legislation was passed, but a committee created with power to control that legislation, it seems to me the Speaker would have to refer it to that committee.

Mr. WINSLOW. Mr. Speaker, will the gentleman yield further?

Mr. SNELL. I will, but I wish the gentleman would let me complete this, and then later I shall be glad to yield.

Mr. KINDRED rose.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield first for a question?

Mr. SNELL. I will yield first to the gentleman from Alabama.

Mr. HUDDLESTON. I believe that everybody will agree that soldiers of all wars ought to be treated with a certain amount of equality. As the situation stands at present, we have three separate committees which deal with Civil War soldiers, Spanish War soldiers, and World War soldiers. This amendment does not change the situation, but leaves these soldiers of the several wars to be continued to be dealt with by separate committees. Now, in the past it has so worked out that the soldiers of the Civil War receive one kind of treatment, the Spanish-American War soldiers an entirely different treatment, and World War soldiers still a third kind of treatment, and their widows and dependents are discriminated against in the same way. Does not the gentleman feel that it would be a step of real relief if we could consolidate this soldier-relief work and give one committee jurisdiction of the whole matter and work out some system whereby there would be no discrimination as among soldiers of any particular war?

Mr. SNELL. In reply to the gentleman I will say that we had all these propositions before us, and you can not get all veterans to agree about what they want.

Mr. ROACH. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I regret that I can not yield to but one gentleman at once.

Mr. ROACH. I merely wanted to hear the gentleman's answer on that question.

Mr. SNELL. All right. I say it was impossible to get those propositions all amalgamated together so that it would suit everyone. Certain of those who spoke in behalf of the Spanish War veterans wanted conditions left as they are. It is impossible to get all veterans to agree, and as we are not taking anything away from them, their legislation will go to the same committees it always has, and we are simply now trying to help out the World War veterans, and later if we can help the others out we are willing to do so.

Mr. HUDDLESTON. Then are we to expect the situation to continue as it now is, where a Civil War widow gets $30 a month, a Spanish-American War widow gets $20 a month, and a World War widow gets $25? If we had one committee, undoubtedly they would see that some sort of rough justice and equality is meted out to all, and no arbitrary and unjust discrimination meted out to any one of them.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. KINDRED. I want to ask the gentleman if there is not one activity of this committee on World War veterans upon which we should all agree, and that is the hospitalization of soldiers of all wars?

Mr. SNELL. We would be perfectly willing to embody that in the rule if we knew where we would land, and if we were assured that we would not go too far. The opportunity of amendment is open to any Member who desires to make an improvement along that line. For the present we thought it best to leave it as it is, and if need be to take it up later.

Mr. LINEBERGER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. LINEBERGER. I want to ask the gentleman this question——

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that the House is not in order. We can not hear.

The SPEAKER. There is a large attendance here to-day, and unless Members forego conversation among themselves

it will be very difficult to hear the speakers. The Chair hopes that Members will abstain from conversation, so that the gentleman from New York can be heard.

Mr. LINEBERGER. Was not the intention of the committee, so far as possible, to conform to the desires of the two party caucuses on this matter, in which a number of opinions were given, that this committee should only encompass legislation affecting the Veterans' Bureau as at present constituted, and leave to the future any change to meet the changing conditions? In other words, you found the legislation on the statute books, and you had to shape and form your committee so as to take care of it as it now exists, rather than to anticipate any such changes as might take place in the future, in case legislation affecting veterans of other wars should be referred to the Veterans' Bureau, which now takes care only of legislation relating to the World War veterans?

Mr. SNELL. That was practically the condition which confronted your committee and that is practically the conclusion at which it arrived.

Mr. LINEBERGER. And that is what you have done?

Mr. SNELL. Yes.

Mr. WINSLOW. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WINSLOW. Personally I am in favor of the establishment of a committee along the general terms set forth in this provision, but by virtue of an experience of eight years, from the very beginning of the consideration of problems confronting the war-risk insurance committee and all the rest, now known as the Veterans' Bureau, I have come to realize that there are many sharp angles sticking out which had better be considered now rather than when we get into a mess later on. The soldier business is a delicately constituted piece of work and we have to do the best we can to keep them smooth and bring them to realize the facts which govern the consideration of the legislation.

Mr. SNELL. That is what we have tried to do in reporting this rule.

Mr. WINSLOW. Now, my good friend from California [Mr. LINEBERGER] has suggested that my previous expression did not, perhaps, tend to clarify. All I want to do is to impress upon the Members of the House the absolute need of clarification to the limit, otherwise we shall have gotten into a bad mess here.

Under the present state of affairs the Committee on Interstate and Foreign Commerce is operating in such a way that all bills relating to subjects covered by the Veterans' Bureau legislation are referred to it. Now, under the present arrangement, if an amendment were to be considered to the Veterans' Bureau act it would be referred to that committee and that committee could have a hearing, as in the case of Spanish War matters, which are really pending and left over from the last Congress.

Now, if the committee can suggest an amendment or would accept the suggestion of an amendment, it seems to me we might not only cover everything which is here but also cover the scope of the operations of the Veterans' Bureau in such a way that other bills, closely allied, could be referred to this committee without an amendment to the general law in reference to the bureau.

Mr. SNELL. Along what lines would the gentleman from Massachusetts suggest an amendment?

Mr. WINSLOW. I have not worked it out. I just want a clarification, so that the committee itself and Congress would not be in a cat fight later on in reference to matters which might be left over.

Mr. JEFFERS. Will the gentleman yield?

Mr. WINSLOW. Yes; I yield to the gentleman from Alabama.

Mr. JEFFERS. I would like to have the attention of the chairman of the Committee on Interstate and Foreign Commerce in connection with this question. Is it not now a fact that the Veterans' Bureau does have jurisdiction over the payment of the $100 death benefit, for example, of Spanish-American War veterans?

Mr. WINSLOW. I really do not know, sir.

Mr. JEFFERS. Well, that is a fact. Is it not also a fact that under the present law the Veterans' Bureau does have within its power the right to hospitalize Spanish War veterans in its hospitals?

Mr. WINSLOW. I think so.

Mr. JEFFERS. The Veterans' Bureau now does have supervision over some matters not pertaining to World War veterans, and, in my opinion, the law should be such that any Spanish-American War veteran who is entitled to hospitalization in the Veterans' Bureau hospitals should be allowed transportation to the hospital, but, as I understand it, such Spanish-American War veteran is not, under the law, entitled to transportation to that hospital. The Director of the Veterans' Bureau wants to give it to him, and I think everybody wants to give it to him, and I think such an amendment should be considered. I think there ought to be some consideration given that proposition, and it might be met, perhaps, if you would strike out the words "World War," and make it the "Committee on Veterans' Legislation and the Veterans' Bureau."

Mr. SNELL. What the gentleman suggests is something which the committee did not intend to cover at this time; the intention of the committee was to give this new committee the jurisdiction contained in this clause and then later give attention to the matters which have been suggested here. However, up to this time we have been unable to get definite information whereby we could absolutely frame all of those things into law.

Mr. WINSLOW. I would like to ask the gentleman in all fairness and receive, of course, a frank answer, which is to be expected, whether the chairman of the committee himself or his committee believe that they have met the issue when they confine the work of this committee solely to World War veterans?

Mr. SNELL. I can say that the chairman—and I think I speak for the committee—did think they had met the issue, but if we are mistaken we are ready to be corrected.

Mr. JONES. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. JONES. I note that the gentleman has stated in connection with this paragraph, as well as in connection with some of the others, that his committee did not finish its work but expects to make a subsequent report. I would like to ask in that connection whether it is the purpose of the committee to give us an opportunity for open discussion, with full opportunity for amendment, with reference to those subsequent reports?

Mr. SNELL. Do you mean to-day?

Mr. JONES. No. I understood the chairman to say that the committee had not finished its work with reference to certain proposed amendments to the rules.

Mr. SNELL. That is true.

Mr. JONES. And that it will be necessary to make a subsequent report or reports if the committee should act favorably upon any of them; and I want to know whether it is the purpose of the committee, when those subsequent reports are made, to give a full opportunity for discussion and further amendment in the House?

Mr. SNELL. I have no reason to think otherwise. As far as I am concerned, it is my idea to let the House have ample opportunity to make whatever suggestions or changes it wants. I look on this matter as one in which the committee should use its best judgment; then, if the House does not agree, it can simply go as far as it cares to, making changes and amendments.

Mr. JONES. In that connection I would like to submit my reason for asking the question. It is that a number who have proposed amendments to the rules might feel they would rather have them come after consideration by the committee, rather than risk a discussion when they had not been acted upon by the committee, and in that connection I would like to ask if the gentleman has any idea when these subsequent reports will be made?

Mr. SNELL. I can not say definitely, but I will tell the gentleman that we will continue hearings. We have heard every man who has asked a hearing up to this date. We expect to accommodate all and pass upon their suggestions as soon as possible.

Mr. JONES. Yes; and I have no complaint to make of the committee to-day.

Mr. ROACH. Will the gentleman yield?

Mr. SNELL. I will; but I will have to yield to one at a time.

Mr. ROACH. The gentleman from New York understands that in view of the confusion on the floor of the House, half of what is being said can not be heard or understood.

Mr. SNELL. Well, I can not even understand the gentleman now.

Mr. BLANTON. Mr. Speaker, I make the point of order that the House is not in order.

The SPEAKER. The House will be in order.

Mr. ROACH. From what I heard of the remarks of the gentleman from Massachusetts [Mr. WINSLOW] I am inclined to agree with him and I believe that is a matter that should be well considered and one that the chairman of this com-

mittee should take into consideration, but the particular question I wished to ask is this: It is proposed to amend the rules by adding a new committee to be known as the World War veterans' committee.

What reason can we offer to ourselves in justification for not including, for instance, the veterans of the Spanish-American War? I simply want to get that straight in my own mind. If there is a good reason why it can not be consistently done, then, of course, we ought to try to find some other method to overcome the appearance of things in this rule to show that we are not favoring one class of veterans against those of another class, which, undoubtedly, we do not intend to.

Mr. SNELL. We do not intend to show partiality to any class of veterans, but up to the present time I do not understand that the Spanish-American War veterans are entirely willing to come under this legislation. They want to retain what they have under the old laws, and part of them, at least, want to come in under this legislation, and whether at the present time we want to give them both is another proposition.

Mr. ROACH. In other words, the veterans of the Spanish-American War have not been particularly clamoring for any sort of legislation in the past.

Mr. SNELL. There is no desire on the part of the committee to cut off anybody.

Mr. ROACH. But that is no excuse for this Congress to exclude them. In all good faith, we ought to be able to justify ourselves in not including them in this amendment to the rules. I wanted a concise statement from the chairman, for my consideration as well as that of the Members of the House and of the country, as to why we are not including them in this amendment of the rules.

Mr. SNELL. The most concise statement I can give you is this: At the present time there are several provisions for taking care of the veterans of the Spanish-American War, and no information has come to the committee that the veterans of the Spanish-American War wanted to be transferred and come under the legislation covering the World War veterans.

Some of them do and some of them do not. Some of them want to retain what they have at the present time and get the additional advantage of the World War veterans, but whether the policy of this House is to give them both or not I do not know at the present time, and it does not seem to me we ought to give them both until we have a definite line marked out as to where we would land.

Mr. ROACH. I merely wish to observe that it seems to me we should enact consistent rules of the House regardless of the desires of any of these veterans, whether of the World War or the Spanish-American War or the Civil War. I think the rules of the House should be made uniform and consistent. I thank the gentleman for the information.

Mr. SNELL. Mr. Speaker, will you notify me when I have used 55 minutes? It is evident from the number of questions asked me I will have to ask for an extension of time, and I now ask unanimous consent that my time may be extended 30 minutes.

Mr. LITTLE. Mr. Speaker, reserving the right to object, will the gentleman yield for a question?

Mr. SNELL. I will yield to as many as I can. I will yield first to the gentleman from California [Mr. LINEBERGER], who is now on his feet, and then I will yield to the gentleman from Oregon and then to the gentleman from Kansas.

The SPEAKER. The gentleman asks unanimous consent that his time be extended 30 minutes. Is there objection?

There was no objection.

Mr. LINEBERGER. I would like to ask the gentleman from New York why he did not use the words "Veterans' Bureau legislation," inasmuch as he has stated here before the House that it was the intention of the committee to only encompass within the sphere of activities of this committee work or legislation affecting the Veterans' Bureau?

Mr. SNELL. The original draft of the resolution said "Veterans' Bureau"; but, after discussion in the committee and after hearing representatives of the veterans, we finally decided perhaps this language would cover it better.

Mr. LINEBERGER. It seems not, from the discussion. Now, the gentleman from Missouri [Mr. ROACH] asked the gentleman why you were creating this committee and leaving out the Spanish-American War veterans and the Civil War veterans? Is it not a fact that this is the only large body of veterans which has legislation coming before this House which has not had a committee created to handle the legislation affecting a body of veterans encompassed within their own organizations?

Mr. SNELL. That is so. The present committees of the House retain their jurisdiction and will continue to have jurisdiction over legislation affecting the other veterans.

Mr. LINEBERGER. Then there is no discrimination against the other two classes of veterans——

Mr. SNELL. Absolutely not.

Mr. LINEBERGER. But simply an effort to equalize the opportunities of veterans of the World War by having a committee to handle legislation affecting them.

Mr. SINNOTT. Has the gentleman's attention been called to this proposition: Congress has passed much legislation liberalizing the homestead laws and the other land laws for the benefit of the ex-service men; for instance, laws dispensing with cultivation, with residence, giving them credit for their time spent in the service, and in a number of instances we have granted patents to disabled men who were unable to go on and continue the improvement. In my discussion with some of the proponents of this measure they informed me they did not have that in mind, and it was not the intention to take over the jurisdiction of the Public Lands Committee regarding public-land statutes. That could be easily accomplished by inserting, among the excepted classes, "public lands," in line 24, on page 3, and I doubt if there would be any objection to that.

Mr. SNELL. That is a proposition that was not brought before the committee, and I would be glad to have the gentleman discuss it later, and, as far as I know now, I would have no objection.

Mr. SINNOTT. I wish the gentleman would consider that proposition.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SNELL. In just a moment. I agreed to yield to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. I simply wanted to ask if the committee has heard from the Spanish-American War Society or any organization representing them?

Mr. SNELL. No one appeared before the committee in their behalf.

Mr. MOORE of Virginia. Of course, I recognize the perfect good faith of my friend, and as one Member of the House I have no disposition to make any unnecessary trouble, but the gentleman has spoken of the purpose of the committee to proceed with its work to make a further report. If there was no definite assurance of that and no time fixed, I should wish to propose some amendments to the existing rules, and one or two new rules, and there are other Members in the same attitude. Will the gentleman be willing to agree that having acted on this report the committee will bring in a further report upon propositions pending that may be submitted within a given time?

Mr. SNELL. I have made as strong, careful, and definite a statement as I can make at this time.

Mr. MOORE of Virginia. Will the gentleman be willing to say that the committee will bring in a further report by the 1st or the 15th of February?

Mr. SNELL. I will not make any definite date. I tell the gentleman that I will bring in a report whenever the committee authorizes me so to do. We will have hearings and consider every proposition that the gentleman desires to present to the committee. We have heard every proposition that the gentleman has desired to present to the committee up to the present time.

Mr. MOORE of Virginia. The committee has been very considerate of me.

Mr. SNELL. Does the gentleman from Virginia know of any man who has not had full opportunity to be heard before the committee?

Mr. MOORE of Virginia. I do not, and I am not questioning the fairness of the committee, but I do think that in justice to the House, in the interest of fair treatment of the House itself, that when we get away from this report we ought to know when the committee will bring in a further report.

Mr. SNELL. You will have the rule for the discharge of committees, and you can have the Committee on Rules discharged.

Mr. MOORE of Virginia. Yes; a discharge rule which will only operate two days in the month, and no one can anticipate how effective that will be.

Mr. SNELL. Mr. Speaker, I have certainly tried to answer the question fairly, and I can not yield any further.

Mr. NELSON of Wisconsin. I want to ask the gentleman one question, and I want to predicate my question on a statement.

Mr. SNELL. Make it as brief as possible, for I want to finish.

Mr. NELSON of Wisconsin. I am in exactly the same position——

Mr. SNELL. I am not going to yield for a speech; I only yield for a question.

Mr. NELSON of Wisconsin. I have seven or eight propositions that I would like to present to the House, but I recognize that it is preferable that they be considered by the committee. I wish the chairman would state a little more definitely whether or not we shall have an opportunity again to come to the House if we desire to present these propositions. It will save lots of time. If we can have that assurance, we will not take the time now. If the chairman will do that, we will not press the proposition, but vote on these other things.

Mr. SNELL. I have made the statement once, and it would not be any more binding if I made it again.

Mr. NELSON of Wisconsin. Would not the gentleman fix the time at 60 days?

Mr. SNELL. I do not intend to make any definite promise. I will follow the instructions of the committee, and that is the only promise I can make the gentleman, who is also a member of the Committee on Rules.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. What distinction do you make between the words "compensation" and "adjusted compensation"?

Mr. SNELL. I do not know as I can give the gentleman the exact distinction.

Mr. CELLER. Does the adjusted compensation refer to the bonus?

Mr. SNELL. That is the accepted meaning of the term.

The next is paragraph 19, clause 56, Rule XI: Add a new paragraph to read as follows:

The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately it shall be referred to the calendar and if not called up by the member making the report within nine days thereafter, any member designated by the committee may call it up for consideration.

That absolutely does away with any possibility of a pocket veto by the chairman of the committee and fully protects the committee if the person authorized to call up a resolution does not do it within a prescribed time.

Mr. BLANTON. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman says it will not permit the chairman to pocket veto a measure. I suppose he means that except within 12 days of adjournment it will not. In other words, suppose the Committee on Rules 12 days before adjournment orders the chairman to report a certain piece of legislation to the House for immediate consideration. That chairman could pocket the resolution for three days, and then if he did not report it, it would go to the calendar and have to remain on the calendar 9 full days more before any Member could call it up, making 12 days in all. I do not say that the present chairman would do it, but it has been done by a chairman in the past Congress; and under this present bill, where a rule should be authorized 12 days before adjournment, the chairman could absolutely kill off any piece of legislation. Is not the gentleman willing to reduce the time for reporting from 3 days to 2 days, and reduce the time for remaining on the calendar from 9 days to 3 days? Then the chairman could only pocket it for 2 days, and within 5 days, instead of 12, the House of Representatives could have a chance to pass important legislation.

Mr. SNELL. I suggest that the gentleman follow his question clear through and ask, What if he does it on the last day? You can not govern by rule every situation that arises under the strained conditions during the last five or six days of a Congress. This is a reasonable, a fair rule. I know from actual experience that sometimes it is absolutely impossible for the chairman of the Committee on Rules to present a report immediately when it is voted out by the committee. The legislative situation changes so quickly in the House that you must have some leeway in time to present a rule.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. LANHAM. Under the provisions as stated in Rule XIX, the Member who would call up one of these rules for consideration would have to be designated by the committee.

Mr. SNELL. Yes.

Mr. LANHAM. Is there any considerable relief granted by this provision as long as the one to call up the rule must be designated by the committee? Suppose the committee should refuse to designate some one to call it up. Why should not this option be left to any member of the committee, or, for that matter, to any Member of the House.

Mr. SNELL. If the committee itself was opposed to it, it probably would not designate anyone to call it up, because they probably would not even vote it out, but if it was voted out the person designated would follow instructions.

Mr. LANHAM. I can anticipate a condition under which the committee could originally report out a rule and be favorable to it, and yet have conditions arise under which that same majority of the committee might not designate a member to call up the resolution.

Mr. SNELL. That is possible, of course.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. KING. Referring to the second line of the proposed provision, I notice that the committee has left out the word "resolutions," and I have wondered if that has been done inadvertently. The gentleman knows that a resolution is a rule, and is one of the most powerful influences for good or bad that we have in this House. Would the gentleman object to an amendment adding, after the words "joint rules," the word "resolutions"?

Mr. SNELL. This criticism was aimed specially at order of business in the House or change in rules, and any resolution from the Committee on Rules defining the order of business or change in rules. I think that is fully covered by the wording of the rule.

Mr. KING. But there would be no way to call up a resolution.

Mr. SNELL. A resolution is generally only a change in the rules or a special rule for a special condition.

Mr. KING. When we first enter the House we think that a rule is a rule, but after we have served here for some time we know that a rule is a resolution. Speaking of another resolution, there is a resolution to investigate, and that necessarily goes to the Committee on Rules. We will never get out such a resolution under this proposed language. I have had a resolution in there for four and a half years, and I have never been able to get it out, and I have had some hopes that I might be able to get it out under this new proposed provision.

Mr. SNELL. A resolution authorizing an investigation is only a change in the rules, and you change them by giving authority to a standing committee to make the investigation or by creating a special committee with authority to do it. Either is a change in the rules and is covered by the proposed new rule.

Mr. VOIGT. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. VOIGT. I have observed that the proposed rule states that if the member making the report does not call it up within nine days, another member designated by the committee may do so. Why not provide that any member of the committee may do so without their being designated for that purpose? It seems to me that after the 12 days some one has to call a meeting of the committee in order to be so designated.

Mr. SNELL. It is the practice in the House that when a committee reports out a resolution some member is designated to call it up, and it would be necessary to call a meeting of the committee to do this, but that will not take long, then it will be done in the orderly way. But you are not going to have any trouble with anyone breaking faith with the rule in the book.

Mr. VOIGT. Suppose the chairman should be unfavorable to the particular matter in hand and he should refuse temporarily to call a meeting of the committee, then you could not get any designation of another member of the committee for the time being.

Mr. SNELL. Oh, I think if all of the members of the committee met and passed a resolution, the chairman would be obliged to acquiesce. I still believe the committee can control any chairman. Certainly he would be foolish to defy his committee, and I should not expect to be chairman long if I did it.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. The gentleman is discussing a very important matter. I think we ought to have a clear vision of this situation while it is being studied. I venture, if the gentleman will permit me, to interrupt him now to state what I may elaborate on somewhat when my time comes. If a situation arises in which a numerical majority of the Committee on Rules votes for the report of a resolution, of course, in the natural order of things the chairman would be expected to call up that resolution. If the chairman should chance to be

against the resolution, undoubtedly in practice he would so announce to the committee at the time. Then the numerical majority, not the party majority, would designate the member who would be supposed to call up the resolution and who, of course, would be bound in all honor under this rule to call it up.

Mr. MOORE of Virginia. Mr. Speaker, if I may ask my friend a question, I thought this, as a practical proposition, was presented and considered; that at the time when the order or resolution is passed on and directed to be reported there shall be at that time some member designated who may call it up in the absence of the chairman, or the inability of the chairman——

Mr. GARRETT of Tennessee. Or the unwillingness of the chairman.

Mr. MOORE of Virginia. Or the unwillingness of the chairman.

Mr. GARRETT of Tennessee. That is what I consider this rule to mean, and that, I think I may state, was the understanding of every member of the Commitee on Rules when we were considering it and when we agreed to the language contained herein.

Mr. MOORE of Virginia. Does it seem now to my friend that the rule as proposed is entirely free from a different construction—for instance, the construction suggested a while ago by a Member on the other side?

Mr. GARRETT of Tennessee. I think, with all possible respect to the gentleman who made the suggestion, that the criticism was somewhat hypercritical. If the time comes during this session when a sufficient number of Republicans join the four Democrats on that committee to report out a rule, there will be a designation of the person to report it out, and it will be called up whether the chairman calls it up or not.

Mr. MOORE of Virginia. But we have seen in the last Congress a resolution for an investigation reported from that committee and then the committee recanted. Why? Because we know, to be frank, that is the political committee of the House, and it is under the control of the steering committee. I am speaking about the majority. Now it is made up so at this moment the minority is helpless. In spite of the membership on the minority side, we have but 4 representatives on that committee composed of 12, and we will be absolutely helpless if the committee after having acted is so much directed in its course by the political powers that are back of it, and I think we ought to make it clear what we intend to do in the interest of the House and of the country. [Applause.]

Mr. GARRETT of Tennessee. I think I may say one practical result of this will be that hereafter during this Congress the steering committee will give its instructions to the Republican Members in advance of the adoption of a rule rather than after its adoption.

Mr. BLANTON. Will the gentleman yield?

Mr. SNELL. I will yield to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. The word "designated" here, will that require a regular meeting of the Committee on Rules or could it be designated informally, say by petition or otherwise?

Mr. SNELL. No, sir; the Rules Committee in its work does not recognize a petition among its members. We always require a formal meeting and a majority.

Mr. LAGUARDIA. It would require a regular meeting?

Mr. SNELL. Yes.

Mr. LANGLEY. Will the gentleman yield?

Mr. SNELL. I will.

Mr. LANGLEY. I desire to ask this question: Suppose a committee now having jurisdiction of a certain matter has considered and is practically ready to report a bill on the question. That jurisdiction is transferred to this Veterans' Committee. Now, heretofore having jurisdiction, having carefully considered the question, the committee is proceeding to report a bill which is practically ready. Are we to lose all the knowledge that is gained by these hearings of the committee and transfer it to the other committee?

Mr. SNELL. I think all legislation that is introduced this session will be referred to this committee; that is the intent of the Rules Committee.

Mr. LANGLEY. Including measures on which hearings have been held?

Mr. SNELL. I should think so.

Mr. BLANTON. Will the gentleman yield?

Mr. SNELL. I will.

Mr. BLANTON. May I suggest this to the gentleman from Tennessee [Mr. GARRETT]: That under the change proposed by the committee it could happen that 12 days before we adjourn the Committee on Rules could direct the chairman of the committee to report a resolution providing for taking up certain legislation?

The chairman would have 3 full days to report it if he saw fit. If he saw fit, as has been done by other chairmen of the committee, he would not report it. Then it could not be reported by anybody else for 9 days thereafter, and the whole term would expire and important legislation left unconsidered by the Congress. I think that time should be reduced. Why should he have 12 days? Why give the chairman 3 days and then provide for 9 other days, making 12 in all, before it can be called up by some other member of the committee? The committee chairman could bring about the condition we had in the last Congress when the chairman of the committee kept a report in his pocket day after day and refused to call it up.

Mr. GARRETT of Tennessee. If the gentleman will permit, so far as the last several days of the session are concerned—the gentleman is correct in his statement—of course it would be within the power of a committee not to call up a resolution that has been adopted in the last 12 days of the session, but I do not think it will work out that way, to be frank with the gentleman. This changes the policy. The practical result of the adoption of this resolution in my opinion is going to be that the majority of the committee will not adopt a rule until they are ready to act upon it.

Mr. BLANTON. They say history repeats itself.

Mr. GARRETT of Tennessee. But so far as the last 12 or last 6 days, whatever it may be, I might say this to the gentleman from Texas: If I could have my own way, personally, I would go back to the old system that prevailed in the House of Representatives and at one time in the Senate by which a joint resolution provided that no bill should pass in the last three days of the session except conference reports, so we would not get immature, ill-considered legislation through during those days.

Mr. SNELL. No. 20, Rule XI. Add a new clause as follows:

58. The several election committees of the House shall make final report to the House in all contested-election cases not later than six months from the first day of the first session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months.

We have gone over this proposition quite thoroughly, and there seems to be no objection to this rule. Everyone is opposed to allowing contested-election cases to run along until the last day of the session, as is often done, and we can see no good reason for doing so, and have presented this rule for your approval.

Mr. McCLINTIC. Will the gentleman yield?

Mr. SNELL. I will.

Mr. McCLINTIC. I have read this rule and I have served on the Committee on Privileges and Elections. In case the committee was not prepared to make a report in six months, would some individual Member on this floor have the right to introduce a resolution and have it referred to the committee to force them to bring out a report for the consideration of the House?

Mr. SNELL. I have not considered it from that angle; but we took this up with the Clerk and with people who seemed to be informed and with others who have served on election committees, and they all said that they doubted if there was ever a case that could not be reported in six months. If there was such a case, perhaps we would have to have a special rule and consider it separately.

Mr. McCLINTIC. In all probability if a committee happened to think it did not have sufficient jurisdiction it could appeal to the Committee on Rules to take action?

Mr. SNELL. Yes.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. WINGO. The question occurred to me, Can you compel a committee to take action when it does not want to act?

Mr. SNELL. Perhaps we might go further here with some definite provision for cases of that kind; but with that rule in force we thought we could hurry them up and get better action from the election committees than we have had in the past.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. Do you not use the word "shall" as in the nature of mandatory?

Mr. SNELL. It is intended to be.

21. Clause 3 of Rule XIII: Strike out all of clause 3 of Rule XIII and insert in lieu thereof the following.

This is necessary if you are going to adopt the discharge rule. I will not take the time of the House to read this whole rule, but there are three new propositions involved in it. First, it changes the present practice of the House in this respect: On the first and third Mondays of each month it shall be in order immediately after the reading of the Journal to call up motions to discharge committees before the Unanimous Consent and Suspension Calendars, just the opposite of the present practice. The second new proposition is that it changes the name of the Unanimous Consent Calendar to the Consent Calendar. The third new proposition is that when a bill is on what has previously been known as the Unanimous Consent Calendar, the first time it comes up in the House one objection strikes it from the calendar, but at the instance of the man who is the proponent of the bill or resolution it can be replaced on the calendar. But the second time it is called up, under this rule it takes three objectors to strike it from the calendar. Those are the three changes proposed in section No. 21.

The next—

No. 22, Rule XXVII: Strike out all of clause 4 of Rule XXVII and insert in lieu thereof the following.

I will ask the Clerk to read this new rule. Then I will take it up and explain the difference between this and the old discharge rule. That is the last one, page 5, beginning with line 14.

The Clerk read as follows:

Page 5, line 14, clause 4:

"4. A Member may present to the Clerk a motion in writing to discharge a committee from the consideration of a bill or resolution which has been referred to it 30 days prior thereto (but only one motion may be presented for each bill or resolution). The motion shall be placed in the custody of the Clerk, who shall arrange some convenient place for the signature of Members. The Clerk shall issue a duplicate of the motion to the Member, who may present such duplicate to Members for signature. A signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal. After 150 Members have signed the motion and duplicate the motion shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to Discharge Committees.

"On the first and third Mondays of each month, except during the last six days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least seven days prior thereto, and seeks recognition, shall be recognized for the purpose of calling up the motion, and the House shall proceed to its consideration in the manner herein provided without intervening motion, except one motion to adjourn. Recognition for the motions shall be in the order in which they have been entered.

"When the motion shall be called up, the bill or resolution shall be read by title only. After 20 minutes' debate, one-half in favor of the proposition and one-half in opposition thereto, the House shall proceed to vote on the motion to discharge. If the motion prevails, it shall then be in order for any Member who signed the motion to move that the House proceed to the immediate consideration of such bill or resolution (such motion not being debatable), and such motion is hereby made of high privilege; and if it shall be decided in the affirmative, the bill shall be immediately considered under the general rules of the House. Should the House by vote decide against the immediate consideration of such bill or resolution, it shall be referred to its proper calendar and be entitled to the same rights and privileges that it would have had had the committee to whom it was referred duly reported same to the House for its consideration: *Provided*, That when any motion to discharge a committee from the consideration of any public bill or resolution has once been acted upon by the House, it shall not be in order to entertain any other motion for the discharge from the committee of said measure."

Mr. SNELL. I think, gentlemen, if you will allow me to explain hurriedly the method of procedure under the old rule, and then the method of procedure under the new rule, you will understand clearly what we intend to do. Under the old rule any Member could present to the Clerk a motion in writing, asking for the discharge of a committee. That motion could not be presented until after the legislation had been referred to the committee for at least 15 days. That motion was then entered upon the calendar for motions to discharge. On the first and third Mondays of each month, after the Unanimous Consent Calendar had been called and after suspensions had been considered, it was in order to call up motion to discharge committees.

Mr. MADDEN. Mr. Speaker, will the gentleman yield there for a question?

Mr. SNELL. Yes.

Mr. MADDEN. But under that method of discharging committees they were required to get a majority of all the Members elected.

Mr. SNELL. If the gentleman will wait until I follow the complete procedure.

Mr. MADDEN. They were required to get a majority of all the Members elected to make the discharge, and when the discharge was finally accomplished all that was done was to put the bill or resolution on the calendar. Now, you propose to pass it.

Mr. SNELL. As I started to explain, the bill or resolution must be read by title, and if seconded by tellers, there shall be 20 minutes' debate. Then if approved by a majority vote of the House it is placed on the proper calendar. When the next call of the committee comes any Member may call up this bill prior to any bill placed on the calendar by said committee at a date subsequent to the discharge of the committee. The weakness of this rule is the lack of opportunity to move to discharge and the provision to consider the bill after discharging the committee.

Now, the present rule as suggested by your committee provides that a bill or resolution must first have been referred to committee for 30 days. Any Member may file a motion to discharge with the Clerk. The Clerk must furnish that Member with a duplicate motion or petition. The motion that is filed with the Clerk shall be kept by him in some convenient place where it can be signed by any Member at any time. The Member presenting the motion may take his duplicate motion or petition and ask the various Members of the House to sign it.

The Member can take that petition himself, or ask some other Member to pass it, but it not to be passed by clerks or outsiders.

Mr. BEGG. Mr. Speaker, will the gentleman yield right there?

Mr. SNELL. I would prefer to finish this, then I will answer any questions.

Mr. BEGG. Very well.

Mr. SNELL. After that petition has 150 names signed to it, this means on either one or both together, then the motion shall be entered in the Journal, and the names printed in the RECORD, and then the motion entered on the Calendar of Motions to Discharge Committees. The rule further provides:

On the first and third Mondays of each month, except during the last six days of any session of Congress, immediately after the approval of the Journal, any Member * * * shall be recognized for the purpose of calling up any motion that has been on the calendar for seven days.

The procedure is as follows: It shall first be read by title, with 20 minutes' debate, 10 minutes on each side, and then the House comes directly to a vote on the motion to discharge the committee. If the committee is discharged, then it shall be in order and of high privilege to immediately move that the House resolve itself into Committee of the Whole House, or whatever is necessary, to consider the bill or resolution; and if this motion is carried, it is then considered under the general rules of the House. That is the general procedure under the proposed rule and I think the rule is absolutely workable and complete in every detail. All you need is a numerical majority of the House. Now I yield to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Will the gentleman yield?

Mr. SNELL. I will yield to the gentleman from Ohio.

Mr. BEGG. I am very much interested in that provision of the rule, and your interpretation of it, which provides that only a Member of Congress may circulate the petition. I want to know whether the petition would be invalidated if I were to have my secretary carry it over to your office for your signature.

Mr. SNELL. It is distinctly understood that the petition must be circulated by the proponent of it, or some other Member of the House whom he designates.

Mr. BEGG. What would happen if such a case should come up and I designated my secretary to carry it over to your office for signature?

Mr. SNELL. I do not know that I can answer the question exactly, but the purpose of the rule is that the petition must be circulated by Members of the House. It was understood that the petition was not to be circulated by anyone except the proponent of it, or some Member of the House designated by him, and if not done this way I should not consider it a valid motion.

Mr. SANDERS of Indiana. In that event the gentleman would not need to sign it?

Mr. SNELL. Certainly not; he would not have to sign it if it were circulated by anybody except a Member of the House; and if it were so circulated, I think it would invalidate the petition.

Mr. VOIGT. Under a reading of this proposed rule only the Member who files the motion would be permitted to call for signatures; that is, he could not give duplicates to three or four Members of the House and ask them to get signatures, if I read the rule correctly.

Mr. SNELL. No. There would be one original motion and one duplicate, and that duplicate will be in charge of one Member and not several Members.

Mr. VOIGT. So that the duty of collecting 150 signatures would fall upon one Member of the House?

Mr. SNELL. That was the intention.

Mr. VOIGT. What would be the objection to having several Members take petitions around?

Mr. SNELL. Well, there were several objections offered by the opposition, but it was principally for the protection of Members. So after fair and considerable discussion of the matter it was decided that it would be fair to everybody concerned if we had one petition placed in a convenient place where any Member could sign it who wanted to do so, with a duplicate petition which the individual Member who was the proponent of the legislation and who was especially interested in it could pass among the Members of the House.

Mr. VOIGT. What is the object of requiring a Member to file his motion with the Clerk? It looks to me as though that is nothing but red tape.

Mr. SNELL. Well, I will tell you one of the objections offered to the committee. One man said, "I might want to sign a petition, but it might never be presented to me; but if there was a petition in a public place, every Member of the House who wanted to sign would certainly have an opportunity to do so." That was the reason for that.

Mr. VOIGT. I would like to ask one other question. In line 17 on page 5 you provide that only one motion may be presented for each bill or resolution. Let us suppose the case that a man files a motion to discharge a committee and then fails to press his motion, that he fails to go out and get the necessary signatures. Would not this rule prevent any other Member from moving the discharge of the committee having jurisdiction over that bill?

Mr. SNELL. No; for some other Member could get the proper number of signers to complete the motion. If the original Member kept his petition you still have the one with the Clerk, and when you have the proper number of signers any one of them can call it up.

Mr. SPEAKS. Suppose there are several Members of the House who are equally interested in the bill under consideration; what objection would there be to another Member making the motion in case the Member who made the original motion was incapacitated in any way? The Member who originally made the motion might become sick and thereby be unable to give proper attention to the petition, and in such a case what objection would there be to having some other Member, equally interested in the matter, circulate that petition?

Mr. SNELL. I do not know of any objection to that, because the Member making the motion can designate some one else to circulate the petition.

Mr. SPEAKS. You have provided for that?

Mr. SNELL. Yes; but we have not provided for the circulation of numerous petitions.

Mr. NELSON of Wisconsin. The gentleman inadvertently misinformed the gentleman from Wisconsin [Mr. VOIGT]. Members can designate another Member to circulate the petition, but not more than one petition.

Mr. SNELL. That is what I meant to convey to the gentleman from Wisconsin.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SNELL. Yes; I yield to my colleague from Alabama.

Mr. BANKHEAD. It was well understood and agreed when we were preparing this rule that the privilege would be extended not only to the Member who had requested the signatures but that he in turn might transfer the petition to another Member of the House to circulate.

Mr. SNELL. That is what I have told them.

Mr. BANKHEAD. But if the gentleman will read our resolution he will find that technically it does not confer that privilege and that it ought to be amended to meet that situation.

Mr. SNELL. That was the intention of the committee, but if the rule does not provide for that I am willing to take it up later with the gentleman and see that it does meet the situation.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. SNELL. Yes; I yield to the gentleman from Maryland.

Mr. HILL of Maryland. Under this rule one copy of the motion is filed with the Clerk, and there is no possible objection to 40 Members of the House going around and getting Members to go to the Clerk's office and sign that one petition, is there?

Mr. SNELL. No, sir; not at all.

Mr. SCHAFER. I should like to ask the reason for the following words, appearing in line 12 on page 6, "except one motion to adjourn," and for this reason: If a Member brings up a proposition for a vote, and in view of the fact that Members are only allowed to bring up such motions on the first and third Monday, and it happened to be the first Monday and some Member desired to prevent a vote he could make a motion to adjourn, and then the Member could not bring up that proposition until the third Monday?

Mr. SNELL. It is absolutely impossible to cut off a motion to adjourn in the House; that is provided for in the Constitution, but if you have a majority that wants that legislation considered it would be impossible for the other Members to adjourn.

Mr. SCHAFER. If, under the Constitution and rules of the House, it is absolutely impossible to cut off a motion to adjourn, then why this additional matter in this rule saying, "except one motion to adjourn"?

Mr. SNELL. I think it is absolutely necessary to put it there and that is the form which is used in practically all of the rules. There is nothing hidden in connection with it whatever. It means just exactly what it says. You can make one motion to adjourn and that is all.

Mr. SCHAFER. One more question. Is there objection to changing the number of signatures from 150 to 100?

Mr. SNELL. From my standpoint there is. That will be discussed later.

Mr. KING. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. KING. I want to ask the gentleman by what process of reasoning or divine aid they reached the figure 150?

Mr. SNELL. I will say to the gentleman, in answer to him and to the other gentleman, we reached that simply in a spirit of compromise. This whole proposition does not represent my views or the views of any other one individual man in the House. We took into consideration the conditions that exist in the present House of Representatives. We appreciate the fact that there are several elements here, and we desired to bring out something here that as far as possible would combine the ideas of all the Members.

Mr. KING. Is it not a destruction of majority rule in this country?

Mr. SNELL. Personally, I think it is a destruction of majority rule, and if I had my own individual way I would have put a majority in there; but, as I said before, this was done in a spirit of compromise and is a middle-of-the-road proposition, to meet the views of all the Members of this House, and in that spirit we agreed on the number 150.

Mr. HOCH. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. HOCH. I desire to call the gentleman's attention to the language in line 25, on page 5. I understand that a Member may sign the motion in the hands of the Clerk or he may sign the duplicate?

Mr. SNELL. Yes, sir.

Mr. HOCH. There seems to be some doubt as to the language in line 25, "after 150 Members have signed the motion and duplicate," does not the gentleman think that the word "and" ought to be "or"?

Mr. SNELL. In the first place we had it "or" and took it out and made it "and." I have no objection to putting "and" and "or" both, because the intention is that when they have 150 names on either one or both, there can be filed a motion to discharge the committee.

The SPEAKER. The gentleman desired to be notified when he had consumed 25 minutes of his additional time.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that my time be extended 10 minutes.

The SPEAKER. The gentleman asks unanimous consent that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. SNELL. I yield to the gentleman from Illinois.

Mr. MADDEN. Is there anything in here to protect the man who does not want to sign it?

Mr. SNELL. No.

Mr. McKENZIE. Of course, we all understand that a majority in a deliberative body of this character is charged with the responsibility of legislation. If I understand this propo-

sition, it provides that the signature of 150 of the Members—and they may all be from the minority side who sign the petition—can start in motion the activity that will bring forth a bill into the House that the majority side of the House may not wish to have considered.

I want to ask the gentleman from New York if he does not believe that to protect orderly procedure, to protect the majority that is charged with the responsibility of legislation, the proper rule would be to have a majority of the Members of the majority in the House sign a petition to discharge one of its committees in order to bring forth a bill?

Mr. SNELL. I will say in reply to the gentleman from Illinois that I entirely agree with every word he says, but as a matter of actual fact, there is no actual majority in this House. [Applause on the Democratic side.]

Mr. MADDEN. Oh, yes; there is.

Mr. SNELL. No; there is not.

Mr. McKENZIE. If the gentleman will pardon me, then, is not that a very good reason why, perhaps, we should not adopt a rule of this character?

Mr. SNELL. I will say, further, to the gentleman from Illinois, that this rule does not entirely meet my wishes, but we thought it was the best we could get under present conditions. We tried to bring something in here that was just and fair, considering the conditions as they actually exist and not as we might wish them to exist.

Mr. McKENZIE. Will the gentleman yield right there? If this rule is adopted, will it not absolutely destroy the power of the majority in this body to conduct the business?

Mr. SNELL. Not entirely, because there are two provisions later in the bill where a majority must vote to discharge the committee and again to consider the legislation brought on the floor of the House.

Mr. BEGG. Will the gentleman yield to me again?

Mr. SNELL. Yes, sir.

Mr. BEGG. Does the gentleman maintain that a minority of 150 on a proposition of legislation—I am not talking about committee assignments—in initiating legislation have any greater right than a minority of 10?

Mr. SNELL. As a matter of principle, there is no difference.

Mr. BEGG. Then why recognize anything other than a majority proposition?

Mr. SNELL. It is the same old proposition. As I said, this is a matter of compromise and an effort to get something that the House would accept because it was absolutely fair on the face of it.

Mr. McSWAIN. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. McSWAIN. Is it not a fact that the effect of this proposed rule is about as follows: Assuming the House had, in round numbers, 450 Members, it proposes to give 150 Members the power to put the other 300 on record?

Mr. SNELL. Absolutely.

Mr. SCOTT and Mr. MOORE of Virginia rose.

Mr. SNELL. I yield to my colleague on the committee, the gentleman from Michigan [Mr. SCOTT].

Mr. SCOTT. Let me call your attention to line 16 on page 5. My recollection is that when the matter came before the committee that was to be a public bill or resolution. I think the House should be apprised of that fact, because if you allow every small bill or resolution to be included you will flood this House with such matters.

Mr. SNELL. That was the intention.

Mr. SCOTT. I think the original understanding was that it should be a public bill or resolution.

Mr. SNELL. The gentleman is entirely correct, so far as that is concerned, and we will put in the word "public," as it was evidently omitted.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. The limitation placed upon the number of intervening motions that can be made does not exclude a point of order being made of no quorum being present?

Mr. SNELL. Oh, no; you can make a point of order of no quorum at any time.

Mr. MOORE of Virginia. I am very much interested in the information the gentleman gave a while ago that there is no majority in the House.

Mr. SNELL. Is it news to the gentleman from Virginia?

Mr. MOORE of Virginia. Does the gentleman believe if there were a majority in the House any of these proposed modifications of the rules would have the slightest chance of being favorably considered?

Mr. SNELL. No, sir; I do not admit that at all.

Mr. HILL of Maryland. Is it the gentleman's view that in line 16, page 5, the word "public" should be inserted?

Mr. SNELL. I think perhaps it might be. I think it was the intention that this should apply to public bills and resolutions.

Mr. HILL of Maryland. The gentleman will offer that as an amendment later probably?

Mr. SNELL. I will be glad to take care of it.

Mr. BROWNE of Wisconsin. I notice on line 17, page 5, in parentheses, the language "but only one motion may be presented for each bill or resolution." Now, if you present one motion and file it with the Clerk, you may do that under this provision without any desire to have that motion heard. Would not that preclude any other Member from circulating and getting 100 or 150 signatures to a petition?

Mr. SNELL. No; he could go to the Clerk and get a duplicate of that petition and get signatures to the motion already filed.

Mr. BROWNE of Wisconsin. It says only one motion may be filed. I may file a motion under that provision and then take a duplicate motion and not pay any attention to it or not care about doing anything with it and that precludes everyone else.

Mr. SNELL. It is presumed that if anyone goes that far he is interested in getting the legislation before the House and will follow the matter up.

Mr. BROWNE of Wisconsin. My point is that some one may file that motion for the very purpose of preventing others from doing that.

Mr. SNELL. There is no way you can prevent Members from signing the motion filed with the Clerk.

Mr. BROWNE of Wisconsin. Well, what is the objection——

Mr. SNELL. And any one of them can call up the motion to discharge.

Mr. BROWNE of Wisconsin. What is the objection to allowing Members to circulate the petition?

Mr. SNELL. We have been over that once before. It is simply a question of protection to the Members.

Mr. LaGUARDIA. I believe the gentleman stated that this rule is applicable to the Committee on Rules as well as any other committee.

Mr. SNELL. It is applicable to every committee of the House.

Mr. COLE of Ohio. In lines 24 and 25, on page 5, the language is "after 150 Members have signed the motion and duplicate." Does that mean the Member will have to sign both the motion and the duplicate?

Mr. SNELL. No; it means that if you have 150 names on either one, or both together.

Mr. COLE of Ohio. Why should not it be "or"?

Mr. SNELL. Well, we had it "or" in the first place and we took it out and put in "and." I have no objections to it being changed or to having both put in.

Mr. BLANTON. Will the gentleman yield?

Mr. SNELL. I will yield to the gentleman from Texas.

Mr. BLANTON. The gentleman from New York will bring about one great reform by this. It will compel the majority to have a majority of its majority on the floor every first and third Monday.

Mr. KELLY. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. KELLY. I notice on page 6 that the Calendar for Discharge of Committees is being made in order on the first and third Mondays. The rules provide for suspension of the rules and unanimous consent on the same day. Why did the committee decide to put three calendars on the same day of the month?

Mr. SNELL. Because there are not days enough in the week to put it anywhere else. They are nearly all taken up with special orders at the present time. Let me say that it is not expected that these motions to discharge committees will be used very often. About every man who brought up the proposition before the committee said that it would be in emergency cases. That this would not be used up as a filibustering proposition.

Mr. KELLY. What would be the order of consideration?

Mr. SNELL. The unanimous consents and suspensions of the rules would come after the motions to discharge committees. They would be the ones to be left out, if any.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. SNELL. Certainly.

Mr. SEARS of Florida. I notice on page 6, line 8, that you say "any Member who seeks recognition." These older Members here and younger Members who have been here eight or nine years, and the gentleman from New York who has been

here much longer, know that "seeking recognition" is sometimes about all we do. [Laughter.]

Mr. SNELL. It says in the next line that some one shall be recognized for the purpose of calling up the motion. I do not know how you could make it any more definite.

Mr. ROSENBLOOM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. ROSENBLOOM. Does not the gentleman think that there should be a statute or provision that would make it a penalty for any lobbyist to approach a Member of Congress, trying to get him to sign a petition?

Mr. SNELL. I would be in favor of that. Gentlemen, in considering these amendments the committee fully recognized the importance, the difficulty, and the seriousness of changing the rules of the House. We have gone into this as carefully as possible in the time allotted, and tried to present a report to you that fairly and honestly represents the general view of the majority of our members, and we have not taken an extreme position on any proposition presented. We fully appreciate the different elements that are here. We know we have regular Republicans, insurgent Republicans, and Democrats. We fully appreciate that to get any report adopted at the present time it must represent all of these elements. As I have said before, we have taken a middle-of-the-road compromise position on every proposition and on every one of the contested points. When the revision of the rules was taken up in 1910 the late and beloved Champ Clark, at that time the leader on the Democratic side of the House, said that he would never advocate on the floor of the House as a member of the minority a proposition that he would not be willing to stand for as a member of the majority. He said that he would never recommend the adoption of any rule that would help to clog legislation, and beyond that he had supreme confidence in the common sense of the House itself. I solemnly subscribe to those sentiments.

Now, I ask the Members of the House in considering these resolutions to follow the admonitions of that wise man. If you will consider each one of these amendments with the same fairness, the same impartiality, all the way through that your committee has, and you will vote on each one of them according to the honest dictates of your own conscience, I shall be perfectly satisfied with what you do with this report. I thank you. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I am quite sure that I sympathize fully with the sentiment which was expressed by the late Speaker of this House, the great Democrat from Missouri, which has just been quoted by the gentleman from New York. I would not be willing to vote for any proposition to go into the general rules of the House while in the minority that I would not support if my party were in the majority. There have been some propositions suggested by gentlemen on my side of the House as proper amendments to the general rules of the House at this time with which I did not find myself in agreement. But there are certain major propositions that I do most earnestly favor which I am here most earnestly to support.

Upon the creation of the veterans' committee the caucus of my party spoke—uttering, so far as I know, the first official word upon that subject—and we stand united in favor of the creation of that committee, and I understand the majority party now stands in the same attitude. Certainly I know that the majority members of the Committee on Rules stood in that attitude.

Mr. MADDEN. May I ask the gentleman a question for information? In creating this rule I am wondering whether it has incorporated the power to control legislation that is to-day with the Civil Service?

Mr. GARRETT of Tennessee. That was not in the thought of the Committee on Rules, and I should be surprised to learn that it should be so construed.

Mr. MADDEN. I am afraid that it does, and if it does I think it will be a great mistake, because the Committee on Reform in the Civil Service has charge of the general subject and it ought not to be transferred to any special committee.

Mr. GARRETT of Tennessee. I agree with the gentleman, but I should not think it was capable of that construction.

Mr. MADDEN. The veterans of all the wars have preferential rights, and I wanted to know if the committee thought it important to transfer the jurisdiction affecting the modification of those rights to this special committee. I am afraid that the language of the rule does that.

Mr. GARRETT of Tennessee. If so, I concur with the gentleman in the idea that that ought not to be coupled. This is what was in the mind of all the members of the Committee on Rules—to give to that committee all of the jurisdiction that is now had by the Interstate and Foreign Commerce Committee, plus jurisdiction over matters relating to veterans of other wars, except the Civil War, other than pensions. That was in the minds of the committee, and that was all.

Mr. MADDEN. I think the jurisdiction should be as broad as that, but I hope the gentleman and the other members of the Committee on Rules will consider whether it should be as broad as I have suggested it may be.

Mr. GARRETT of Tennessee. I do not think the question the gentleman has suggested ought to come within the jurisdiction of that committee. That is the first suggestion of it coming from any source that I have heard.

Mr. JOHNSON of South Dakota. It is conceded that it is not the desire of the committee or of those responsible for the making of this rule to affect the civil service. If there is any question, I think an amendment would be accepted without the slightest opposition that would leave out the matter of civil service.

Mr. GARRETT of Tennessee. It could be put in the exceptions. There are certain subjects excepted; and if there be any doubt about it, it could be put there.

Mr. Speaker, on the question of the unanimous-consent rule, I presume there is no necessity of entering into any discussion at all.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield.

Mr. GARRETT of Tennessee. Yes.

Mr. GRAHAM of Illinois. I am curious to know just why the gentleman thinks there ought to be at least three objectors on the second hearing.

Mr. GARRETT of Tennessee. I am very glad to give the gentleman my own personal view about that. Very frequently I have seen objections made to the consideration of bills where it was perfectly apparent that the objections grew, not out of a real fundamental objection to the bill, but out of the temperamental disposition of the objector at the time he made it. Some gentleman would be angry and would make an objection while angry, which resulted in great embarrassment to a harmless bill. At the same time, I have also seen such splendid work performed in the protection of the Treasury of the United States and in the interest of the whole people of the United States by single objectors that it seemed to me that it was very essential to preserve the right in the first instance to a single objector to have the bill stricken from the calendar. That gives time for study; that gives time for serious-minded men to look into the thing and to determine whether they are ready to join in a second objection. It keeps it within the realm of safety and removes it from the possible field of temperamental disposition.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. And even then, after three objectors strike the bill from the Unanimous-Consent Calendar, the bill still remains on a calendar, with all of its rights safeguarded, and can come up on certain days as a matter of right, no matter how many less than a majority object to it?

Mr. GARRETT of Tennessee. Precisely.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MOORE of Virginia. The gentleman recalls, of course, that toward the end of every session private bills are considered under the unanimous-consent rule. Would those private bills be left in that status hereafter, or is it anticipated that the consent rule provided here might apply to them?

Mr. GARRETT of Tennessee. No; it is not. The unanimous-consent rule does not now apply to private bills. They are considered frequently by unanimous consent, but that is by unanimous consent outside of the rule, and not under the rule. Of course, this rule is not intended to apply to any private bill.

Mr. MOORE of Virginia. Of course, it would be within the province of the House to make such rules by unanimous consent applicable to the Private Calendar when we come to consider it shortly in the session.

Mr. GARRETT of Tennessee. That would be within the province of the House, but one objection, of course, would prevent that.

Mr. Speaker, the three propositions that to my mind may be properly designated as major propositions involving principle are, first, the provision which will prevent a pocket veto of a resolution after it has been adopted by the Committee on Rules; second, the repeal of clause 3 of Rule XXI; and, third, an intelligent, workable discharge rule. I think the first has been met in as full a way as we may reasonably expect at this time—being an innovation, being a matter that must be tried

out—by the language contained in the first eight lines on page 4 of the resolution now before us, which was discussed at considerable length by the gentleman from New York [Mr. SNELL] and by me through his permission at the time he was speaking. Personally I am satisfied to vote for that proposition as it stands.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MOORE of Virginia. It was proposed by a rule which I suggested that, coupled with the change which the gentleman has just described, there should be this other change, namely, that when a resolution or order is reported from the Committee on Rules, it shall not be taken up without an interval of one day between the time it is reported and its consideration. It seems to me that no hardship could accrue from that, and it would be to the convenience of the House, because Members would have notice, even though short notice, of very important matters, usually of major importance, that are to be considered by the House, instead of observing the present practice of the Rules Committee meeting, say, at 10 o'clock in the morning and immediately bringing a resolution into the House affecting some legislation of very great importance, adopting the resolution, and having the legislation forthwith taken up, with no notice whatever to Members in advance. I wish the gentleman would discuss that feature of the matter.

Mr. GARRETT of Tennessee. Mr. Speaker, I should have preferred not to enter upon a public discussion of that matter without further consideration, but since the gentleman has asked me the question, and since I wish to be perfectly frank and not evade or seem to evade the discussion of any matter relative to that under consideration, I shall do so. I have thought much about the proposition submitted by the gentleman from Virginia, and I have been unable to convince myself that it is wise or expedient to support it. The Committee on Rules is the body through which the House functions in many instances.

If it did not have a Rules Committee, it would have to have a committee under some other name which would perform the same function as the Rules Committee performs at the present time. In my experience here I have seen occasions arise, no matter what party was in power, whether my own or the other, when it was essential for the majority of the House to be prepared and able to do business and to do business immediately. [Applause.] And as I said in the beginning, I am not willing to vote for any rule here that I would not be willing to vote for if my own party were in the majority; and I believe if my party were in the majority now, charged with the responsibility before the country, I should want to leave my party free to be able to do business by a majority when the exigencies of the public demanded it.

Mr. MOORE of Virginia. Does the gentleman think, though, that is a fair answer to the question why one day should not be given? And let me remind the gentleman of the consideration he and I had of this matter previous to the rule being offered to the House.

Mr. GARRETT of Tennessee. Yes; but the gentleman did not understand me to commit myself to that part of the rule. I committed myself to the principle in the second part of the gentleman's rule as it is now written into the rules of the House. If the gentleman had that impression, I am sorry.

Mr. MOORE of Virginia. I shall refrain from stating any details because it would not be worth while.

Mr. GARRETT of Tennessee. Now, the second proposition is the repeal of clause 3 of Rule XXI, and I shall before taking my——

Mr. VOIGT. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. VOIGT. I should like to ask the gentleman in regard to this rule at the top of page 4. It is provided if after the end of nine days the report from the Committee on Rules is not taken up that any Member designated by the committee may call up the matter. Why does that have to intervene? Why did not the committee provide that any member of the committee might call up such a matter?

Mr. GARRETT of Tennessee. Because it was thought to be in the interest of good procedure that a majority of the committee voting out a resolution should have the right to designate the person who should call it up.

Mr. VOIGT. Well, suppose the gentleman designated fails to perform his function. Is it then necessary to call another meeting of the Rules Committee?

Mr. GARRETT of Tennessee. It is, in my opinion, inconceivable that the gentleman designated would fail to perform that duty. If he did, he would simply be confronted by the situation of a gross breach of duty on the part of a Member of the House of Representatives. Of course, it seems almost impossible to anticipate that any such thing will occur.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Delaware [Mr. BOYCE].

Mr. BOYCE. I simply desire to inquire, what objection would there be to interlining between the word "member" and "designate," "previously or subsequently designated"?

Mr. GARRETT of Tennessee. This rule contemplates, I will say to the gentleman from Delaware, at least it is thought, as I stated a little while ago, that if a majority of the Committee on Rules reported out a rule that the chairman would at the time announce that he is not going to bring it up, and the word "chairman" is purposely omitted, but if the chairman announces at the time that he will not himself call it up the Committee on Rules will then designate one of those who favored the resolution to call it up at the time immediately. That is the thought that is in the minds of the committee as to the procedure that will occur. I yield to the gentleman from Texas.

Mr. BLANTON. Where any of the law committees have authorized their chairman to report a piece of legislation on Calendar Wednesday and the chairman is not here, under our rules and our procedure the next senior member of that committee is authorized to call up the bill when the calendar is called. Why should not that rule prevail with respect to the Committee on Rules? If the chairman does not call it up, why should not the next senior member be authorized to call it up?

Mr. GARRETT of Tennessee. Well, it might be that the next senior member might also be opposed to the rule.

Mr. BLANTON. Or any member according to seniority who does want to call it up, why should not he be permitted to call it up?

Mr. GARRETT of Tennessee. I think it is simpler to say any member designated by the committee. Under our uniform practice and the courtesy which prevails in a committee the highest member in rank on the committee has been designated.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. COOPER of Wisconsin. Before asking the question, I want some information, and that is if the Committee on Rules has a regular day for meeting?

Mr. GARRETT of Tennessee. It has not, and in the very nature of things it can not.

Mr. COOPER of Wisconsin. I thought that was true, of course. Now, Mr. Speaker, I desire to ask the gentleman from Tennessee this question: In line 7, page 4, it says "any member designated by the committee may call up for consideration," and that language has been construed uniformly to mean that anything which was required to be done by the committee must be in a regular called meeting of the committee. It can not be done by word of mouth passed around through the House. That is true, that it must be a meeting of the committee regularly called. Now, then, suppose that a rule is ordered by the committee to be reported by the chairman and he puts it in his pocket and refuses to call a meeting of his committee. How is the committee then to direct anybody to do anything?

Mr. GARRETT of Tennessee. Well, I have just stated that it is the supposition of the Committee on Rules that when a resolution is reported from that committee the chairman will then and there, at the time of the report, announce his position upon that resolution. It will be developed by the vote taken in the committee itself, so far as that is concerned, and if the chairman be against it, it will be known at the time that he will not call up the resolution, and the committee will then, at the time of its adoption, proceed to designate the member who shall call it up.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit me to remind him that the supposition that he has just made as to the conduct of the Members of the House is not justified or borne out by the actual experience of the House?

The gentleman himself must remember that no later than in the last Congress a chairman of the Committee on Rules put a rule in his pocket and kept it there for weeks in violation of the specific instruction of his own committee. The gentleman himself will also remember that you can not trust, in times of bitter partisan excitement, the generosity of a gentleman who is opposed to a measure in consideration of the rights of the House. The House has a paramount right here, and I will remind the gentleman as a good Democrat—I think I have reminded the House before of it, and it is very familiar with it—that Thomas Jefferson said that governments are founded on distrust of human nature, and you have not any

right to assume that the chairman of a committee is going to do what it wants him to do. On the contrary, you know from actual experience that an outrage in that respect was perpetrated upon the House in the last session.

Mr. GARRETT of Tennessee. I may say to the gentleman that at that time we did not have this rule in the rules of the House. I myself regretted the attitude taken by the chairman of the Committee on Rules during the last session of Congress. I myself criticized it. I complained of it at the time. But we did not then have this rule in the rules of the House. I believe that it will be found by experience that this rule will meet the situation. Of course, if we should develop the fact that it does not, we shall attempt to amend the rule further.

Mr. COOPER of Wisconsin. Will the gentleman answer this question: The committee having no regular time of meeting, and the calling of the meeting being in the sole control of the chairman himself, can the hostility of the chairman of the committee be overcome by the committee if he refuses to call a meeting of the committee and the committee can not act?

Mr. GARRETT of Tennessee. Let me say to the gentleman this, as a practical proposition: If a situation arises in the Committee on Rules in this Congress where I am able to get a majority of that committee to vote with me on a proposition, I will see that there is designated then and there a member to call up the rule when the time comes.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes; I yield to the gentleman from Virginia.

Mr. MONTAGUE. In view of the suggestion made by the gentleman from Wisconsin [Mr. COOPER], in which there is a great deal of merit, because this rule is intended to meet an actual situation, a delinquency of duty, should we not strike out the words "to be designated by", and insert the word "of" and leave the committee free to meet the situation as it may arise?

Mr. GARRETT of Tennessee. I can only say to the gentleman, as I suggested a few minutes ago, that it was thought that under all the customs of courtesy and politeness that prevail in committees of the House a majority in favor of a proposition ought to be entitled to the right to designate the member who is to call it up. The committee ought to have the right to designate the member.

Mr. MONTAGUE. Well, suppose the member who is designated does not call it up; why go to such circumlocution or delay? Why not allow any member of the Committee on Rules to call up the rule?

Mr. GARRETT of Tennessee. That might meet the situation.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. O'CONNELL of Rhode Island. If the chairman of the committee happens to be in favor of a certain measure and is, for that reason, designated by the committee to call up the report, and thereafter, by reason of some pressure or otherwise, that chairman changes his mind about reporting that bill or resolution, and in order that there shall be no report on that bill fails or refuses to call a meeting of his committee, is there any method under the present rules by which the consideration of that matter may be taken up by the House?

Mr. GARRETT of Tennessee. Perhaps the discharge rule, if adopted, might reach the situation. But let me say to the gentleman, it seems to me that the question implies a degree of distrust that I confess I do not share. I state it again, that it is the thought of the Committee on Rules, as I understand it, where a resolution is reported out and the chairman is opposed to it, he will so state at the time, and a member is designated to call it up. Now, it is my opinion that there is no man, with this rule in the rules of the House, that will be selected to the great position of chairman of the Committee on Rules who, if he does change his mind, would not call the committee together and tell them so and give them a chance to designate some other person, if they still favor the bringing up of the rule. With this rule embodied in the rules of the House——

Mr. LANHAM. Mr. Speaker, will the gentleman yield for another question?

Mr. GARRETT of Tennessee. I yield.

Mr. LANHAM. I wish to make an inquiry that is not going too far. Of course, one person is designated. That person can call up the rule. But suppose the individual member who is designated is incapacitated from doing so. What will be done under those circumstances?

Mr. GARRETT of Tennessee. My impression is that he would advise the committee to that effect and there would promptly be a meeting of the committee and the designation of some other member. I can not conceive that such a situation would arise.

Gentlemen, let me beg of you to think about this thing. We are going to be in charge of this House next time. [Applause on the Democratic side.] We do not want to adopt propositions while in the minority which we would not stand for while in the majority.

Now, Mr. Speaker, I want to come to the next proposition. We shall offer certain amendments——

Mr. SINNOTT. Will the gentleman yield so that I may support what I understood the gentleman to state a while ago as to the meetings of a committee?

Mr. GARRETT of Tennessee. Yes; I will yield to the gentleman from Oregon.

Mr. SINNOTT. From section 401 of the House Manual I read:

> And in case wherein it was shown that a majority of a committee had met and authorized a report he (the Speaker) did not heed the fact that the meeting was not regularly called. (IV, 4594.)

Mr. GARRETT of Tennessee. I so understand.

Mr. SINNOTT. There is no House rule or provision for regularly calling a committee.

Mr. GARRETT of Tennessee. We shall offer certain amendments. The first is to amend by striking out all of clause 3 of Rule XXI. The other will be——

Mr. MOORE of Virginia. May I ask the gentleman a question before he starts on that discussion? As I understand, the report which we have from the Rules Committee does not deal with that matter of Rule XXI?

Mr. GARRETT of Tennessee. It does not.

Mr. MOORE of Virginia. Now, is it understood that this is a final report and that we must deal not only with recommendations but with propositions that are left outside the range of recommendations?

Mr. GARRETT of Tennessee. So far as the committee is concerned, I will say to the gentleman from Virginia that there is no understanding about that matter. It was well understood by all members of the Committee on Rules that this amendment, and another amendment to the discharge rule, would be offered at this time. There is no agreement of any kind or character as to how far an amendment shall go, but so far as the minority of the committee is concerned, the amendments I have suggested are the only ones we shall offer on behalf of the committee, to wit, this repealing all of clause 3 of Rule XXI and the amendment to the discharge rule—two amendments, in fact, one of which has already been suggested, namely, in line 16 on page 5, after the word "a," insert the word "public," and in line 25, on page 5, strike out the words "and fifty." The latter proposition, the discharge rule, I do not propose to discuss at this time.

The gentleman from Georgia [Mr. CRISP] was the author of the rule which was the basis of the committee's consideration of this proposition, and I am going to let him open the discussion on that. But I now, Mr. Speaker, offer the following amendment. I understand we can vote on amendments at any time.

The SPEAKER. The gentleman from Tennessee offers the following amendment, which the Clerk will report.

The Clerk read as follows:

> Mr. GARRETT of Tennessee moves to amend by striking out all of clause 3 of Rule XXI.

Mr. SNELL. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. SNELL. As I understand, you are just offering that at the present time and do not expect to have a vote on it at this time?

Mr. GARRETT of Tennessee. I am going to ask that it be disposed of before I conclude and pass on to anything further. I believe that is in the interest of orderly procedure. I will ask the gentleman from New York [Mr. SNELL] to agree upon time for the discussion of that amendment, because I do not want to move the previous question without having some time for discussion.

Mr. SNELL. Then, as I understand, there will be no attempt made to move the previous question?

Mr. GARRETT of Tennessee. Not at the present time, and there is no disposition to do so, but I hope we can dispose of this matter before we take up any other question. I think we had better dispose of these amendments as we go along.

Mr. SNELL. That will be agreeable to me, and we will try to agree on time for discussion.

Mr. MONTAGUE. Would it be permissible for any member of the minority to offer an amendment under the method by which this resolution is being considered?

Mr. GARRETT of Tennessee. Yes; when he obtains the floor.

Mr. MONTAGUE. To strike out certain words and add certain words?

Mr. GARRETT of Tennessee. Certainly, when he obtains the floor for that purpose, and I understand there is not going to be any effort made to cut off those who desire to offer amendments.

Mr. MONTAGUE. The reason I ask is, that if no Member will submit an amendment to strike out the words "designated by" and insert "of," in line 7, on page 4, I should like to do so, although I would prefer that some one else do it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. HUDSPETH. Under your amendment, if I understand it, you would leave the rule as it stands to-day?

Mr. GARRETT of Tennessee. No; I am not offering an amendment to this resolution; I am offering an amendment to the rules themselves.

Mr. HUDSPETH. Then I did not understand the gentleman; I thought you were striking it out and leaving the rules as they exist to-day.

Mr. GARRETT of Tennessee. No. The rule which I am moving to strike out is that—

> No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

Now, so far as the first part of that language is concerned, it is really immaterial, "no amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill." That is parliamentary law wholly independent of this rule; it is so expressed in other provisions of the rule and is thoroughly fixed in our parliamentary system and precedents. But that of which I complain is that which is contained, under the rulings which have been made, in this language, "nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed." That, gentlemen of the House, is a special restrictive rule, under the construction which has been given, placed in the general rules of the House. In my opinion, it has no place in a sound parliamentary system. Of course, it will be stated here, and it is true, that that part of the rule was of Democratic origin. But that is not disturbing me in the slightest. I never did believe it was a sound parliamentary principle to put a special restrictive proposition in the general rules of the House, and I stand ready now to take it out of the general rules of the House; and if it reaches a point where a majority wishes so to restrict a revenue measure, let it be done by a majority, leaving it within the power of a certain man to destroy an amendment by making a plain, simple point of order.

It has been advanced, in its construction, to the point where, when a tariff bill is being considered, you can not move to take an item from the dutiable list and put it on the free list, nor can you move to take an item from the free list and put it on the dutiable list. The proposition is unsound.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield.

Mr. LONGWORTH. The gentleman just expressed a hope, and I regard it as a very faint hope, of course, that his party will be in control of the next House. I ask, and I ask it in all frankness for the RECORD, if such is the case, will the gentleman resist any attempt to restore this paragraph as one of the permanent rules?

Mr. GARRETT of Tennessee. I will oppose restoring this and putting it into the general rules of the House. I opposed it at the time it was first put in [applause on the Democratic side] until my party had acted in caucus upon the proposition. "The Lord giveth and the Lord taketh away. Blessed be the name of the Lord."

Mr. SNELL. Will the gentleman yield? I did not understand the last part of his reply.

Mr. GARRETT of Tennessee. I said I resisted it when it was first put in the rules of the House until my party had taken caucus action upon it.

Mr. SNELL. Did the gentleman's party take any action to take this rule out of the general rules of the House during the eight years they were in control?

Mr. GARRETT of Tennessee. No; there was no caucus action.

Mr. SNELL. They did not make any move at that time. Did they make any move at the time the Republicans were in control of the House in the Sixty-sixth and Sixty-seventh Congresses?

Mr. GARRETT of Tennessee. No effort has been made heretofore.

Mr. SNELL. This is the first time any effort has been made to take it out.

Mr. GARRETT of Tennessee. Mr. Speaker, I wonder now if we can make an arrangement to come to a vote on this proposition.

The SPEAKER. Is the gentleman's proposition to now stop the general debate?

Mr. GARRETT of Tennessee. No; it is not, except by agreement. I mean on the amendment only.

The SPEAKER. One or two persons have spoken to the Chair asking time in general debate on the whole matter.

Mr. GARRETT of Tennessee. I have no such thing in mind. It is simply on this particular amendment.

The SPEAKER. The gentleman wishes to take this amendment up before the general debate on the rules is completed?

Mr. GARRETT of Tennessee. I had hoped to. I had thought that would be the logical thing to do.

Mr. SNELL. I did not get exactly the gentleman's proposition.

Mr. GARRETT of Tennessee. I wondered if we could finish the discussion on this matter and vote on it, and then let us offer our next amendment and finish that.

Mr. SNELL. As far as I am personally concerned, I would be willing to vote on that right now, unless there is some one on our side of the House who desires to discuss this particular amendment. [Cries of "Vote!" "Vote!"]

Mr. GARRETT of Tennessee. If you are ready for a vote, let us have it.

The SPEAKER. Has the gentleman from Tennessee completed his remarks?

Mr. GARRETT of Tennessee. I have concluded my statement, Mr. Speaker, but I am still retaining the floor to see if we can not get a vote on it.

Mr. LONGWORTH. Mr. Speaker, personally, I would have no objection to having a vote on that question now. The gentleman has stated that paragraph 3, of Rule XXI, was put in by Democratic caucus action in 1911 to prevent any amendment whatever to tariff or other revenue bills; that he now recognizes the entire injustice of that action at that time; that he feels this provision has no proper place in parliamentary law. He has also stated in reply to a question that if by some unhappy chance his party should be in control of the next or some subsequent House, he would not move, of himself, and would resist any effort to reestablish it.

Mr. GARRETT of Tennessee. As a part of the general rules of the House.

Mr. LONGWORTH. As a part of the general rules of the House. With that statement in view, I personally have no objection to immediate action. [Cries of "Vote! Vote!"]

Mr. NELSON of Wisconsin. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee desire to keep the floor?

Mr. GARRETT of Tennessee. No: it is my understanding we are going to vote now. This is just on the amendment.

The SPEAKER. The question is on the motion of the gentleman from Tennessee, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. GARRETT of Tennessee: Amend by striking out all of clause 3, Rule XXI.

Mr. SNELL. Mr. Speaker, I simply want to state that on this side of the House we are absolutely opposed to striking this clause out of the Standing Rules of the House.

Mr. TUCKER. Mr. Speaker, I ask that the rule be read.

The Clerk read as follows:

RULE XXI.

> 3. No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

Mr. NELSON of Wisconsin. Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman is going to take the floor now without voting on this amendment, I am going to yield the remainder of my time, whatever I have remaining, to Mr. CRISP, of Georgia. I had hoped the

gentleman would be satisfied to let us vote on this amendment and then let us offer our other amendment. I think the minority is entitled to do that.

The SPEAKER. The Chair thinks if any Member desires to oppose the motion of the gentleman from Tennessee he is entitled to be recognized.

Mr. GARRETT of Tennessee. I understood the gentleman wanted to discuss the general subject.

Mr. NELSON of Wisconsin. Mr. Speaker, just a short statement. The gentleman from New York [Mr. SNELL] said or gave the impression, I think, that we were unanimously against this motion. Not so. I voted, too, for the repeal of this motion, and I simply want to give two reasons why: First, I agreed with the gentleman from Tennessee that we should not have a special rule under the guise of a general rule; and second, it unduly restricts the opportunity to offer amendments to revenue bills. Some of us would like, for instance, to restore the excess-profits tax. That is absolutely prohibited if this remains in the rules. [Cries of "Question!" "Question!"]

Mr. LONGWORTH. Perhaps it might clarify the situation if I asked the gentleman one question. The gentleman stated that the amendments he proposed to offer were offered by authority of the minority of the committee.

Mr. GARRETT of Tennessee. That is correct.

Mr. LONGWORTH. By minority does the gentleman mean a political minority or a numerical minority?

Mr. GARRETT of Tennessee. A numerical minority; the most of them being a political minority.

Mr. LONGWORTH. Might I ask further whether the gentleman proposes to offer any other amendment than these agreed to by a numerical minority?

Mr. GARRETT of Tennessee. I do not.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. HUDDLESTON. In view of the fact that in the consideration of the last tariff bill it was under a special rule more restrictive than this rule and the fact that in the future the tariff bill will be considered under a more restrictive rule, what practical benefit is the House going to get out of the repeal of this portion of the rules which the gentleman points out?

Mr. GARRETT of Tennessee. Let me whisper a secret to my friend. [Laughter.] We are not going to consider a revenue bill at this Congress under a special rule that will restrict the consideration as in the past.

Mr. HUDDLESTON. How is the gentleman going to prevent it?

Mr. GARRETT of Tennessee. I think a way will be found. But let me say to the gentleman in all seriousness I do not think the majority in this House will ever adopt any special rule that will attempt to so restrict amendments during this Congress.

Mr. HUDDLESTON. I think the gentleman pays this Congress a compliment, but would not the gentleman favor a rule which would forbid such a harsh and restrictive rule as the tariff bill was considered under in the last Congress? What benefit is it to us to cut out this printed rule when it is possible for the Committee on Rules to bring in a rule from the Rules Committee more drastic, more restrictive, than that we cut out and doing the same thing and suffering worse?

Mr. GARRETT of Tennessee. It may be possible to bring in such a rule from the Rules Committee, but I repeat that during this Congress I do not believe that it will be possible to pass it through the House. At any rate, if such a condition does come about I may say to the gentleman that it is desirable to have this cut out.

Mr. HUDDLESTON. Would not the gentleman favor a rule of the House which would forbid such drastic and restrictive rules from the Committee on Rules?

Mr. GARRETT of Tennessee. I do not know whether I would favor putting that into the general rules of the House or not. I have tried to lay down my position on placing special rules in the general rules of the House. Now, Mr. Speaker, if we can have a vote on this proposition I will yield the floor.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 177, answered "present" 1, not voting 43, as follows:

YEAS—208.

Abernethy	Doyle	Lanham	Ramseyer
Allen	Drane	Lankford	Rankin
Almon	Drewry	Larsen, Ga.	Rayburn
Arnold	Driver	Lea, Calif.	Reed, Ark.
Ayres	Eagan	Lee, Ga.	Reid, Ill.
Bankhead	Evans, Mont.	Lilly	Richards
Beck	Favrot	Lindsay	Rogers, N. H.
Berger	Fish	Linthicum	Rouse
Black, Tex.	Fisher	Logan	Rubey
Black, N. Y.	Frear	Lowrey	Salmon
Bland	Fulbright	Lozier	Sanders, Tex.
Blanton	Fulmer	Lyon	Sandlin
Bloom	Gardner	McClintic	Schafer
Bowling	Garner	McDuffie	Schall
Box	Garrett, Tenn.	McKeown	Schneider
Boyce	Garrett, Tex.	McNulty	Sears, Fla.
Boylan	Gasque	McReynolds	Shallenberger
Brand, Ga.	Geran	McSwain	Sherwood
Briggs	Gilbert	McSweeney	Simmons
Browne, Wis.	Greenwood	Major, Ill.	Sinclair
Browning	Hammer	Major, Mo.	Sites
Buchanan	Harrison	Mansfield	Smithwick
Bulwinkle	Hastings	Mead	Steagall
Busby	Hawes	Michener	Stedman
Byrnes, S. C.	Hayden	Milligan	Stengle
Byrns, Tenn.	Hill, Ala.	Minahan	Stevenson
Cannon	Hill, Wash.	Montague	Sullivan
Carew	Hooker	Mooney	Sumners, Tex.
Carter	Howard, Nebr.	Moore, Ga.	Swank
Casey	Howard, Okla.	Moore, Va.	Taylor, Colo.
Celler	Huddleston	Morehead	Taylor, W. Va.
Clague	Hudspeth	Morrow	Thomas, Okla.
Clancy	Hull, Tenn.	Nelson, Wis.	Thomas, Ky.
Collier	Humphreys	O'Brien	Tillman
Collins	Jacobstein	O'Connell, N. Y.	Tucker
Connally, Tex.	James	O'Connell, R. I.	Tydings
Connery	Jeffers	O'Connor, La.	Underwood
Cook	Johnson, Ky.	O'Connor, N. Y.	Upshaw
Cooper, Wis.	Johnson, W. Va.	O'Sullivan	Vinson, Ga.
Corning	Johnson, Tex.	Oldfield	Voigt
Crisp	Jones	Oliver, Ala.	Watkins
Croll	Jost	Oliver, N. Y.	Weaver
Crosser	Keller	Parks, Ark.	Wefald
Cullen	Kelly	Peavey	Williams, Tex.
Cummings	Kent	Peery	Williamson
Davey	Kerr	Pou	Wilson, La.
Davis, Minn.	Kincheloe	Prall	Wilson, Ind.
Davis, Tenn.	Kindred	Quayle	Wingo
Dickinson, Mo.	Knutson	Quin	Wolff
Dickstein	Kunz	Ragon	Woodruff
Dominick	Kvale	Rainey	Woodrum
Doughton	LaGuardia	Raker	Wright

NAYS—177.

Ackerman	Foster	McLaughlin, Nebr.	Speaks
Aldrich	Fredericks	McLeod	Sproul, Ill.
Anderson	Free	MacGregor	Sproul, Kans.
Andrew	French	MacLafferty	Stalker
Anthony	Fuller	Madden	Stephens
Bacharach	Funk	Magee, N. Y.	Strong, Kans.
Bacon	Garber	Magee, Pa.	Strong, Pa.
Barbour	Gibson	Manlove	Summers, Wash.
Beers	Gifford	Mapes	Sweet
Begg	Graham, Ill.	Merritt	Swing
Bixler	Graham, Pa.	Miller, Ill.	Swoope
Boies	Green, Iowa	Miller, Wash.	Taber
Brand, Ohio	Greene, Mass.	Mills	Taylor, Tenn.
Britten	Griest	Moore, Ill.	Temple
Brumm	Hadley	Moore, Ohio	Thatcher
Burtness	Hardy	Moores, Ind.	Tilson
Burton	Hawley	Morgan	Timberlake
Butler	Hersey	Murphy	Tincher
Cable	Hickey	Nelson, Me.	Tinkham
Campbell	Hill, Md.	Newton, Minn.	Treadway
Chindblom	Hoch	Paige	Underhill
Christopherson	Holaday	Parker	Vaile
Clarke, N. Y.	Hudson	Patterson	Vestal
Cole, Iowa	Hull, Iowa	Perlman	Vincent, Mich.
Cole, Ohio	Hull, Morton D.	Phillips	Wainwright
Colton	Hull, William E.	Porter	Ward, N. Y.
Connolly, Pa.	Johnson, Wash.	Purnell	Wason
Cooper, Ohio	Johnson, S. Dak.	Ransley	Watres
Cramton	Kahn	Rathbone	Welsh
Crowther	Kendall	Reece	Wertz
Curry	Ketcham	Roach	White, Kans.
Dallinger	Kiess	Robinson, Iowa	White, Me.
Darrow	King	Robsion, Ky.	Williams, Mich.
Denison	Kurtz	Rogers, Mass.	Williams, Ill.
Dowell	Langley	Rosenbloom	Winslow
Dyer	Larson, Minn.	Sanders, Ind.	Winter
Edmonds	Leatherwood	Sanders, N. Y.	Wood
Elliott	Leavitt	Scott	Wurzbach
Evans, Iowa	Lehlbach	Sears, Nebr.	Wyant
Fairchild	Lineberger	Seger	Yates
Fairfield	Little	Shreve	Young
Faust	Longworth	Sirnott	Zihlman
Fenn	McFadden	Smith	
Fitzgerald	McKenzie	Snell	
Fleetwood	McLaughlin, Mich.	Snyder	

ANSWERED "PRESENT"—1.

Deal

NOT VOTING—43.

Allgood	Buckley	Dickinson, Iowa	Griffin
Aswell	Burdick	Dupré	Haugen
Barkley	Canfield	Freeman	Kearns
Beedy	Clark, Fla.	Frothingham	Kopp
Bell	Cleary	Glatfelter	Lampert
Browne, N. J.	Dempsey	Goldsborough	Lazaro

Luce	Newton, Mo.	Romjue	Ward, N. C.
Martin	Nolan	Sabath	Watson
Michaelson	Perkins	Tague	Weller
Morin	Reed, N. Y.	Thompson	Wilson, Miss.
Morris	Reed, W. Va.	Vare	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Frothingham with Mr. Tague.
Mr. Michaelson with Mr. Dupré.
Mrs. Nolan with Mr. Lazaro.
Mr. Kopp with Mr. Martin.

On the vote:

Mr. Aswell (for) with Mr. Dickinson of Iowa (against).
Mr. Lampert (for) with Mr. Thompson (against).
Mr. Canfield (for) with Mr. Watson (against).
Mr. Bell (for) with Mr. Vare (against).
Mr. Barkley (for) with Mr. Newton of Missouri (against).
Mr. Weller (for) with Mr. Burdick (against).
Mr. Griffin (for) with Mr. Beedy (against).
Mr. Romjue (for) with Mr. Freeman (against).
Mr. Morris (for) with Mr. Luce (against).
Mr. Goldsborough (for) with Mr. Perkins (against).
Mr. Allgood (for) with Mr. Reed of West Virginia (against).
Mr. Sabath (for) with Mr. Kearns (against).
Mr. Ward of North Carolina (for) with Mr. Dempsey (against).
Mr. Clark of Florida (for) with Mr. Morin (against).
Mr. Buckley (for) with Mr. Haugen (against).
Mr. Browne of New Jersey (for) with Mr. Reed of New York (against).

The result of the vote was announced as above recorded.

Mr. BURTON. Mr. Speaker, I desire to speak of the fundamentals of this situation. Why is it that it has been deemed desirable to bring forward a rule for the discharge of committees? Why is it that in rare instances the chairman of the Committee on Rules or some member of that committee has taken it upon himself to put a rule in his pocket? It is because of the staggering weight of business which this House has to perform. One of two things must be done. Either we must transact business more promptly or we must relieve ourselves of a number of the propositions which are presented to us. This fact altogether transcends in importance a proposed amendment of the rules. Very few realize how the business of this House has grown or its dependence upon examination by a committee. Reference to a committee has been fundamental from the very beginning. The oldest committee here is the Committee on Elections, which was organized under a resolution on the 14th of April, 1789, before George Washington was inaugurated as President. In the following autumn followed the Committee on Ways and Means, which for a long time had referred to it measures relating to expenditures as well as revenues. In the year 1865 the Committee on Appropriations was organized to take charge of that very important branch of legislation, a branch which now in the volume of business and in laws upon the statute books surpasses all others.

Some 20 years ago I called the attention of this House to how very limited was the legislation in the early days. The first appropriation bill, passed in September, 1789, had only 11 lines and carried an appropriation of less than $1,000,000. In later bills there was more detail and in one of them there was the provision that for candles and firewood in the Treasury Department $1,200 should be appropriated. Let us compare that with amounts in recent years. Five billion nine hundred million dollars were expended in the fiscal year ended June 30, 1920. In the single month of December, 1919, there was expended $2,060,000,000. The total expenditures of this Government down to the 30th of June, 1861, were only $1,970,000,000, $90,000,000 less than in a single month at the close of 1919. Let us compare the volume of statutes which we now have. In the first five Congresses, from 1789 to 1799, the number of pages of general statutes was 732, and bear in mind legislation for the organization of a government and the determination of its policies was involved. In the first Congress there were less than 5 pages of private laws. In the last Congress there were 1,563 pages of public laws and 236 pages of private laws. The word "relief" is the one most common in the last Congress—for the relief of A, for the relief of B, for the relief of C and others.

I now wish to state to the House some of the rules adopted to save time. First, there is the rule in tariff and other bills either preventing or limiting amendments. I was here when the McKinley Tariff Act of 1890 passed this House. We had not gotten through with the chemical schedule, the very first, when it appeared that by reason of the desultory discussion, by reason of a strenuous contest touching almost every paragraph, it would take more than a year to pass that bill. Hence a rule was brought in.

There are other rules under which it is provided that no amendments can be submitted; there is also a general provision refusing the right to have a call of the yeas and nays upon an amendment as in Committee of the Whole. I might name, as another illustration, a general custom that has been observed by the Committee on Rules to bring in a rule for immediate consideration of a bill. All these things are not due to any perversity. The fact that committees do not report the bills is due to the great mass of propositions which are presented to them. Comparing not merely the old-time simplicity and relatively small number of regulations, let us come down to the present. In the last Congress there were introduced of bills and joint resolutions in this House 14,941; 550 public laws were passed and 150 public resolutions and 276 private laws and resolutions; in all 931, or about 1 in 16 of the number presented. Yet the record of the Sixty-seventh Congress was an exceptional one for the transaction of business. In the preceding Congress there were introduced 16,651 bills and resolutions and only 594 were disposed of, or 1 in 28. The record of the preceding Congress was even more noticeable. There were introduced 16,684 bills and joint resolutions and there were passed only 508, or less than 1 in 32. Of committee reports in the Sixty-seventh Congress, there were 1,450, and of these there were acted upon 1,170, leaving pending 280. In the Sixty-sixth Congress 1,095 committee reports were filed; 779 were acted upon and 316 were pending at the close of Congress. In the Sixty-fifth there were 900 committee reports and only 465, or a little more than half, were acted upon.

What is the situation with some of our leading committees? A multitude of propositions are presented. Perhaps the Interstate and Foreign Commerce Committee is the most notable illustration. Then, also, it has become the custom that hearings are demanded from different parts of the country. If a bill is reported out of a committee without a hearing, there is immediately complaint from Members who advocate or oppose that measure, and the country looks upon it with disfavor, because the people consider unfavorably the action of a committee without hearing from the outside.

Here is the proposition with which we are confronted, and I want to very briefly offer a few suggestions which may afford partial relief. In the meantime let me say in regard to reports from the Committee on Rules, so far as I am concerned, I favor the consideration of every proposition before us and a disposition of each just as soon as the subject can be maturely considered and passed upon, and it is my own intention to bring forward quite a number besides. We have an altogether unnecessary mass of bills. I may give one illustration. The calendar of every session has a very large number of bridge bills. What is the fact in regard to those bridge bills? In practically every instance we implicitly follow the recommendation which is required by statute of the Secretary of War and the Chief of Engineers. As regards an intrastate stream, there is a law which provides that in case the legislature authorizes a bridge that bridge may be built with the approval of the Secretary of War and the Chief of Engineers, and thus no action by Congress is required.

I shall make this proposition to the House, that these bills be referred to the War Department. Let us provide for periodically filing reports here, and when the Committee on Interstate and Foreign Commence here or the Committee on Commerce of the Senate, having respective charge of these bills, desire that any case be considered by the House or Senate before a final decision, it can be done. There might in some cases be a question of policy, such as a question between a highway or a railroad on the one hand and the rights of navigation on the other, which ought to be brought here to the Congress, but usually the granting of the right to construct a bridge is a mere matter of detail and should be determined in accordance with long-established principles.

Now, I want to call attention to the District of Columbia. There is a resolution pending that unless decided otherwise by a two-thirds or a four-fifths vote the District shall be entitled to two days in a month. Well, as suggested by the gentleman from Tennessee [Mr. GARRETT], that seems a little large. Two days out of, say, 24 we legislate for this municipality, while 110,000,000 and more of people only have the remaining 22 days. But we have a responsibility to the District which we should fulfill, and we give attention to District legislation partly because of that responsibility and partly because the ordinances and regulations which we adopt here are regarded, I do not know whether correctly or not, as a proper model for the rest of the country. I will give you a few illustrations of the minute, the unnecessary, attention given to this legislation. A few days since I was talking to a lady who has been a resident of this city since her birth and lives in a house which is now in the midst of a growing business section. She said she could not get out from her door to an automobile, because every hour during the day automobiles were parked, occupying every foot of space. She appealed to

the police. The policeman said, "Madam, that is altogether wrong. I wish I could help you, but Congress will have to pass some law before I can give you relief." Next, there is an unusual degree of dependence upon this Government of ours which is said to be so paternal. I remember years ago on leaving this city for Cleveland reading in an evening newspaper a stinging condemnation of Congress because it had not made an appropriation to clear the snow off the sidewalks. The next morning I arrived in Cleveland, where there had been the same snowstorm, and the first greeting that I had was about some lots I owned in a remote part of the city near the cornfields where there were very few passing to and fro, coming from a police lieutenant, who told me if I did not remove the snow I would be arrested before sundown. Now, what is the remedy for this? Regulations as to streets, parks, and the opening of streets, and a great variety of police and municipal regulations might well be made either by the Commissioners of the District of Columbia or by some body which this Congress might create. I may say to you that I would reserve a veto power like the English statutes, which are passed conditionally and are then passed upon by Parliament if anybody desires to raise the question. So I repeat, and I wish to impress upon you, that we must neglect great general principles, propositions of interest to the whole country, or else relieve ourselves of this great mass of detail, which not only takes our time but in my judgment lowers the dignity of this body. I do not know whether a law has been passed or not, but I will give an illustration in regard to pensions.

When a widow was receiving a pension because of the death of a deceased veteran husband and married again that pension was suspended. If she should be divorced, not through her own fault, or her second husband dies, it was the invariable custom to pass a bill restoring that pension. Why should not that be taken care of in the Pension Bureau, where there are far better opportunities to judge the good faith of the application, than by any committee of Congress? I wish to throw out these suggestions, and I trust we may during this session, in the face of the demands of a great, growing country, which asks that we act on measures for the people and for the whole people, give all the time possible to the high spots, to the headlands in the horizon which should require our attention. [Applause.]

Mr. EDMONDS. Will the gentleman yield?

Mr. BURTON. I will.

Mr. EDMONDS. As 2,250 of the 14,000 bills of last session were claims, will not the gentleman say a good word for the Committee on Claims?

Mr. BURTON. The gentleman said 2,200?

Mr. EDMONDS. Out of 14,000.

Mr. BURTON. What is the sense of the Committee on Claims passing on them? Why not have the court or some other tribunal pass upon them? And people have said that our genial Uncle Sam is the worst debtor in the world. I once heard a man, who was prosecuting a just claim, say that if an individual had been so slack in payment he would have been in the penitentiary. I know the gentleman from Pennsylvania would be glad to be relieved of that class of work, so as to give his time to something else. That is another illustration of where the duties performed in this House could be relieved.

Now, a few words about the propositions coming before us, and especially about that providing for the discharge of a committee. It is not so much the fault of the committees. There are a certain number of propositions between which they must choose—choose which they will kill—and as Mr. Froude in his work of fiction, the "Two Chiefs of Dunboy," remarked, "It is very wicked to wish that any individual should die, but if there are two persons, both of whom must pass on, there is no fault in having a preference as to which shall go first." A committee is confronted with a very large number of propositions. They must select those which they regard as the more important. Notwithstanding that, if a majority of this House desires to take a bill away from a committee, if the committee is recalcitrant, if it is out of line with the general sentiment of the House, it ought to be in the power of this body to bring it before the House for consideration.

That makes it a question of numbers. Theoretically it ought to be a majority. The proposition on the other hand is 100. I give my deliberate opinion, Mr. Speaker, that that proportion is too small. I think 150 is the number, the least number, that should join in such a petition as that.

Oh, but you say it depends on the House after all; the House must pass on the resolution by a majority to take it up. But let us consider the possibilities of an obstinate majority that might absolutely congest the business here. You speak of the congestion that occurs in committees on bills that have been referred to committees and that have not been acted upon. The time of the House might be taken up entirely on alternate Mondays by the 20 minutes' discussion and the votes. It is altogether uncertain what will be the result of such a rule, though I believe in the adoption of something of the kind; but it depends upon you, my fellow Members. Are you going to take this question of signing a petition solemnly, as imposing a responsibility, or are you going to respond to propaganda which will come to you from all the four winds of heaven? Are you going to observe some promise, injudiciously made, which, on deliberation, you find was made hastily and rashly, to sign a petition? In the street it is very easy to obtain signatures to do various ridiculous things. I trust it may not be so in the House of Representatives. I do believe, however, that 150 is the least number that can be safe for this very radical change in the rules. Heretofore measures have come up only when reported from committees. That has been the general rule. Now you propose to change it and throw a measure into the House, maybe crudely drawn, immaturely considered, which should have devoted to its consideration maybe days or maybe weeks. Now let us not take this very radical step—which I do believe in taking—without so safeguarding it that we shall still be able to enact legislation which commends itself to the people.

Just one final word. I may wish to ask the indulgence of the House to speak further on this subject of the rules at some other time. But we are facing to-day a crisis in the world's affairs. We are facing questions of tremendous moment in our own America. A presidential election is approaching, in which the desire of every partisan is for success. But let us bear in mind that the polar star is, after all, the good of the country, and of the whole country. [Applause.] We can live under either party. Many will think that we will go limping along and limp badly. But we will probably be able to survive. Let us have something of a restoration of that ideal when none was for a party and all were for the state. Then shall we be able not only to build up our own country and give it an even prouder place among the nations of the earth but we shall gain the confidence of our constituents and pass legislation which will be of benefit to the common country which we all love so well. [Applause.]

Mr. NELSON of Wisconsin. Mr. Speaker and gentlemen of the House, I concur with all my heart in the eloquent peroration of the distinguished gentleman from Ohio [Mr. BURTON] when he says:

> Let us have something of a restoration of that ideal when none was for a party and all were for the state.

This day these proceedings and the action of the Committee on Rules justify the contest that some of us have been making in response to that sentiment.

We can produce many witnesses to-day to justify our course. We can point to the distinguished majority leader [Mr. LONGWORTH]. He promised us 30 days ago that we should have this day in the House after the Committee on Rules had acted. He has kept his word in letter and in spirit. [Applause.]

He would not have done so, I am sure, had he not realized that, after all, we were right in our contention. [Laughter.]

The gentleman has publicly and privately stated that he also favored a revision of the rules. I expected and still expect that he will be a rival of mine in proposing various changes in the rules, and that he, too, will bring about many reforms in our parliamentary procedure.

Speaking of party regularity and insurgency, we appreciate that he has a very difficult task in this House, and if we are to have a conserative as leader we know of no one more able, more alert, more frank and generous than the gentleman from Ohio [Mr. LONGWORTH]. [Applause.] He knows a stone wall when he sees it, and he can get around it; and if he does not always steer the ship to victory, at least he knows how to avoid destruction. [Laughter.]

We have another witness that we will produce—the Committee on Rules and its able chairman. I do not believe that this committee would have made this report to-day on two such great propositions and others of importance unless they, too, had realized that we were fighting for that which is right. Their doing so is a justification of what we have done.

It is not parliamentary to speak of what occurred in committee, so I shall not do so; but it is perfectly proper to speak of that which did not occur in the committee and refer to what occurred here at the opening day. A month ago the gentleman from Ohio [Mr. BEGG] asked me the question, Did I not know that there was a program ready? Then we heard another

statesman [Mr. WOOD] tell us that the chairman had carried in his pocket for a week a plan of revision of the House rules. What did not occur in the committee was this: I watched that pocket day after day. [Laughter.] I never saw anything come from it. [Laughter.] But the fact that this great committee has reported these two major propositions surely justifies the contest that we have made.

We produce another witness—the Democratic Party. The Democratic Party is a marvelous party. I admire it very much. It is useful to the country [applause], but mostly so when out of power. [Laughter.] This party announced three different reforms that it stands for, and surely that shows that we were not wild or foolish when the started this contest.

Now, I wish publicly to give praise to whom praise is due. While some of us were mentioned as the proponents of this revision, the gentleman from New York, Mr. HAMILTON FISH, whose father, by the way, stood with us in the fight some 15 years ago, inaugurated the contest by introducing a resolution last spring. He presented it to me and others. I told him that I thought it would be better to wait until the next Congress convened in December; and I told him also that others were thinking of the same thing. During the summer we referred to Mr. FISH various suggestions in the way of the revision of the rules. He gave much thought to the preparation of amendments and has advised with us from time to time on the subject.

Also before we adjourned I talked with the distinguished Virginian, R. WALTON MOORE, who had been thinking along that line, and at my request he consented to cooperate in this reform. He has acted most courageously. He has greatly aided those of us who are in this contest; in fact, he has prepared many changes, and I think most of them very admirable.

Another Democratic leader, Mr. RAINEY, got into the RECORD some 30 days ago with a very sharp and, he thought, very humorous criticism of myself and my associates. I call your attention to the fact to-day that he has been proven to be a very false prophet. These are some of the things he said would happen:

> I congratulate the gentleman from Wisconsin [Mr. NELSON]. He is safely on the Rules Committee; he is buttressed there, surrounded by a guard of seven stalwart Republicans. He can not get anything out of there if he tries. He has consented to be imprisoned—has been a party to it—in a double-locked cage, surrounded by the old guard, and from his safe position behind the bars he can continue to bark dismally at the passing world. [Laughter.]

It was not true. I am not behind the bars in that committee. I am not guarded by seven such tyrannical men. I have found them most affable, most agreeable, and quite willing to consider any proposition. The chairman has been courteous in every way. I can say that so far as I have heard the discussions there has not been one acrimonious word spoken to me, and I have not been unduly offensive myself. I have come and I have gone with perfect freedom, and this report shows that we did get something out.

Now, then, let me read another remarkable statement. Mr. RAINEY said, speaking of my fall and meaning, I presume, that I had sold out:

> Mr. Speaker, Cæsar three times refused the kingly crown before he fell. The gentleman from Wisconsin refused it five thousand times before he fell, and when he fell great was the fall thereof. For nine days Satan fell from heaven clear down to hell, but that is nothing like the fall just accomplished by the gentleman from Wisconsin.

Then quoting from Milton:

> Hell heard the unsufferable noise.
>
> * * * * *
>
> Nine days they fell; confounded chaos roared. * * * hell at last yawning received them whole and on them closed.

My friends, I did not find the Committee on Rules the warm place he indicates [applause on the Republican side], nor was the chairman decorated with hoofs and horns. He was, as I have indicated, far the reverse in every way. On the contrary, it was not so warm; it was rather frigid there, I think. [Laughter.] I thought, as I was trying to urge upon these gentlemen a revision of the rules, I had learned to know an old adage better, "You can drive a horse to water but you can not make him drink."

I would not be guilty of criticizing the committee for not hearing all Members who have introduced propositions to revise the rules, nor have I any fault to find so far as we have gone. The fact is that we have only been able to cover one or two real propositions, because of the delay in organizing the House and the Christmas vacation. But it is some job to convince men that these rules should be revised, having the attitude of mind of my distinguished friend, the chairman of the commttee, who believes that these rules are perfect.

I had almost come to the conclusion to-day that it was our only safety to present to the House all our proposed changes in the rules. I thought, as I say, that we would be wise to present them to-day; that we had better make hay while the sun shines, but I have since conferred with the gentlemen of the committee individually on both sides and, with the assurance of the chairman, whose word is good, in my judgment perfectly so, and with the statement of the distinguished gentleman from Ohio [Mr. BURTON] that these rules are going to be considered and that from time to time we shall have an opportunity to present these propositions to the House, I am not myself going to present any until the committee has had a chance to pass upon them, believing that as they have kept faith with us this day they will keep faith with us hereafter.

Now, no witnesses are really necessary to justify us in making this fight. While it is true that our rules are the growth of years, yet they are by no means perfect, and every decade they should be reformed. The rules, too, constitute a living political organism which must be progressive; they can not stand still or stand pat; we must slough off those which are obsolete; we must keep abreast with the movements of the country. These rules affect the people directly. Let me give you an illustration.

Suppose at the last congressional and senatorial elections bold men for political reasons or financial had rifled the ballot boxes to destroy the will of the people, we would all say that was a horrible thing and condemn it, but it is possible to so change the rules and so operate under them by committees that you can do that very thing; you can defy and thwart the will of the people in its fruitage. That ought never to be done, and therefore we should always so revise these rules that they do permit the people's will to function.

The history of this subject shows that it is well to revise the rules. As a young man I came here in the Fifty-ninth Congress and marveled at what I saw and I determined to make my maiden speech on the rules of the House. I watched and I questioned; I went over to the Library of Congress to read the literature on this subject; I was surprised at its magnitude. As I read I determined my policy. I said, "Here is a job for some one to undertake." So I collated information in this Library and in my libraries at home. I made a speech on the subject of the Speaker's power in my district which I will append to my remarks for historical purposes. I found the people greatly interested. I was criticized by party leaders, for then, as now, this same doctrine was always put forth: "These rules are sacred things; let not a party man lay hands upon them."

Then, as now, there was no chance to revise these rules; they were adopted in caucus and amendments would go to the Committee on Rules and die.

At the opening day of Congress the regular Republican leader, Mr. John Dalzell, would offer the rules for adoption; a party vote would follow, and that was the end of the story.

Hon. H. A. COOPER, at the opening of the Sixtieth Congress, got some time, I think about eight minutes, to protest against the adoption of the rules without revision. For months I watched for an opportunity, a psychological moment, because I had noticed that the Hon. Peter Hepburn, of Iowa, was constantly contending for a change of the rules in the caucus, but he would get nowhere there. I weighed the thing carefully, balancing party regularity with the purpose I had in mind, and I finally decided to put "State above party."

Roosevelt was President then, was immensely popular, but had his policies stranded on the rules of the House—on the empire of the Speakership of the House. The Speaker then was only second in power to the President, and the President found his policies failing in the House. On the 5th of February, 1908, I got 50 minutes from John Sherman, of New York, afterwards Vice President, who was then chairman of the Indian Affairs Committee, to speak on "The President's message and the rules of the House." I remember Mr. MARTIN MADDEN, of Illinois, sitting right back of me and asking me a question. I thought he was trying to bowl me over. Mr. Olmsted, of Pennsylvania, was in front of me. I was nervous and a little bit timid, but they were very courteous.

The country was against the Speaker. The country knew why President Roosevelt's policies had failed. So I found my talk had been carried by the press everywhere over the country. Mr. NORRIS, of Nebraska, sat back of me and was

the first to say, "You are right; I will help you." After a while we made him our leader. Mr. Victor Murdock, of Kansas, joined us and became our publicity man. I could mention many Members who became insurgents, since famous—Townsend, afterwards Senator from Michigan; Kendall, of the Iowa delegation, now governor of Iowa; and many others.

It was a long contest. For two or more years we met and planned. I am not going to take the time to relate the story in detail, but some day, when I get out of this busy life, I hope to write the story of the overthrow of the Speaker's arbitrary power. Before President Roosevelt went out of office we knew he was friendly to us. Mr. Hepburn, of Iowa, said to us, "If you will go to the White House to see the President, he will help you before he goes out."

So a committee consisting of myself, as chairman, Mr. Madison, of Nebraska, and Mr. Gardner, Senator LODGE'S son-in-law, who was one of the fairest men I ever knew, called on the President, and he told us then he sympathized with us. He promised to write a letter which I might show his friends in Congress but not publish. He said he did not know how his successor, Mr. Taft, was going to stand. For the first time I learned there was a rift between these two. He said, "Nine months ago I thought that President Taft would keep all my Cabinet, but now I do not know. I can not write a public letter without seeming to clash with him now." But he said, "I will write a letter which you may show my friends; but do not publish it." The next day was March 4. Mr. Roosevelt had come to the President's room. He sent for me. He told me that he could not write the letter because the matter of the rules contest had come up in a conversation the evening before, and he had discovered that his successor was against us. So he asked me to release him from his promise. Mr. Gardner asked him to intercede for us with Mr. Taft, who was also present, which he did. Mr. Taft took me aside and said he did not like to encourage a breach in the party. But Mr. Taft was persuaded by the Speaker's friends to oppose us, and so brought on the breach himself in the party by not doing that which was the right thing to do.

Now, my friends, after a time Mr. Gardner and I decided to confer with Mr. Clark, of Missouri, afterwards Speaker of the House, and talked to him about these rules. He said, "Although I am going to be Speaker next time"—I think he was almost elected or something of that kind—"I am going to sacrifice the Speaker's power to change these things." So Mr. Gardner and I agreed with him on a program. Mr. UNDERWOOD was called in, and then we inaugurated that celebrated contest, in which we were defeated because a very able parliamentarian, Mr. Fitzgerald, of Brooklyn, led some 30 Democrats in a bolt from the Democratic Party. For nearly two years we held conferences in the committee room where I am now a member of the Committee on Rules. Mr. Hepburn was chairman of the Committee on Interstate and Foreign Commerce. Finally, one day when we were considering the census question, which was then claimed to be privileged under the Constitution, Mr. NORRIS, of Nebraska, rose from his seat to offer as a constitutional privilege the right to name a Committee on Rules. The Speaker refused to put the motion at first. There was an appeal, as I recall it.

Talk about majority rule! Why, the Speaker would not act; so all afternoon and all night and all the next day until sometime in the afternoon the House was deadlocked. Finally we had the Speaker surrendered, and then this House was set free. No longer did the Speaker sit upon the Rules Committee; no longer was he to appoint all the committees of the House and the chairmen; no longer was he to control unanimous consent. The Speaker became a fair and impartial presiding officer, like the gentleman who now presides over the destinies of this House [applause], and I have never found anyone yet who said that the result was not a good thing.

But what happened afterwards? Oh, evils came in. The rules of the House, like everything else, must be founded on fundamental principles of right and truth and courtesy, especially on justice and equality. The House must function through the majority, but the tyranny of the majority must not ride over the individual or the group, which is more likely. The majority will take care of itself always, but the individual or the group needs some protection. We need to get rid of all abuses, self-interest, self-will, desire to dodge responsibility, to do things in the dark, undue love of arbitrary power, and special privilege; these things creep into the recesses and pockets of the rules. We must stop these possibilities of defeating or thwarting the will of the people.

We found, as the gentleman from New York [Mr. FISH] did, that evils had come into our rules again. The exhibition of one man, chairman of the Committee on Rules, carrying resolutions around in his pocket, defeated though he was—and he is a fine gentleman personally, and I am very fond of him—and another, a defeated gentleman, who was floor leader and with the Speaker away, because of illness, the chairman of the Rules Committee, with his rules in his pocket, was also acting as Speaker; and those two lame ducks for two weeks held control of the legislation of this House, and there was no way we could find out what they were going to do. Is that right? Is that something we can sustain in this country of ours?

So a group of us organized to see if we could bring about a remedy, and, as I had been secretary of the insurgents in the old fight on Cannonism, I was chosen to direct this contest. We knew we had to appeal to the people and we have done so successfully.

My friends, we love party regularity. We are trying to be as good Republicans as you are. What is the definition of a Republican, anyway? Is a man a Republican because somebody somewhere in the Cabinet, who has not been elected to his position, says, "This is a good thing; stand for it"? Or is it republicanism when you go back to fundamental principles and stand for your constituency? [Applause.]

Who can tell me that I am not a Republican when I have a 25,000 Republican majority behind me? If you can be free to vote as you like on the bonus or on the tax question, why can not I be free to change the rules? Wherein is my republicanism less than yours? This talk of party regularity on the rules is mere rot, only buncombe; an attempt to coerce men under the party lash. We refused to fear it.

In this Congress it was soon apparent that we progressives held the balance of power. We knew enough about the affairs of the other party to know that they would have to be with us; they could not stand with the regulars. It was a question of getting men that would have the courage and conscience to go through. We are not going up hill and down again, as the gentleman from Illinois [Mr. RAINEY] predicted; we are going up hill and down hill to the end of the road.

Now, let me say something about the discharge rule. Think of the condition of the House. It has a hand but it can not get that hand to operate. A mere party majority in a committee can defy the will of the people.

Why do we want less than 150 on the petition? I will tell you. We have seen two discharge-motion rules fail. Why did they die? They were strangled before they were born, they never operated a moment; they were trick rules. We do not wish to have that happen again. Let us get a rule that will be alive for awhile, and if we find that it is too rank we will curb it, and I will be one of the first to propose in the Committee on Rules that we protect the Members.

What is this 100? It is merely a second—a showing of strong sentiment. Some have said that 100 is an insignificant number. A distinguished Member of the House called my attention a little while ago to what a second of 100 Members will mean. One hundred Members of this House represent 30,000,000 of American people. Is that a little seconding proposition that men shall go on record? When 30,000,000 of people say they want a vote that is not something to be sneered at.

How about the majority? That majority is protected doubly. I am not for a majority to second. I do not want to be a party to bringing in a rule that will not operate. This motion provides that a Member has to file his motion and then he must circulate it himself or in relay. The Member knows that if there is not a real sentiment in favor of his motion he will not get the 100. If he proposes to do something that is offensive to the general sentiment he will not get anywhere.

Now, for the purposes of a party 150 is sufficient, because they can have a caucus and decide on a program, and, of course, party members will march up and support it; but for the individual or the group 150 might be prohibitive. In the last Congress the whole Democratic Party lacked 20 of the limit; they had only 130.

Now, when you have got your 100 finally, what then? Nothing, except that you knock at the door of the committee room, and before you get the committee discharged you must have a majority for it. There is a majority protection right here. A majority can say no, to give the committee more time. If you get the committee discharged, you must get a majority to consider your proposition. There is a double protection to majority rule.

But if you are going to put the seconding number so high, a discharge motion becomes impossible except for party purposes. The individual has been given a discharge rule that will not function and the fight is on again.

Mr. BLANTON. Will the gentleman yield?

Mr. NELSON of Wisconsin. Yes.

Mr. BLANTON. The gentleman knows that in the last Congress it was within the last 12 days of adjournment that the chairman of the Rules Committee pocketed a rule and would not bring it in.

Mr. NELSON of Wisconsin. He kept about a dozen in his pocket most of the time.

Mr. BLANTON. It was within the last 12 days that he had a rule on an important measure which everybody wanted him to bring out. The seven pages of the document the gentleman has forced the Rules Committee to bring out before us does not give us any relief from that situation, because within the last 12 days the chairman of the committee could do the same identical thing and pocket the rule.

Mr. NELSON of Wisconsin. I will say the gentleman uses the word "force"—he does not know the committee; they could not be forced.

Mr. BLANTON. I was using the gentleman's own interpretation.

Mr. NELSON of Wisconsin. The committee knows what it is talking about all the time; they are as shrewd, alert men as there are in the House. I tried to get something in the nature of a discharge rule, and we thought we were going to get 100, but orders came from the leaders which stiffened them to 150. Therefore, I made an appeal to the Democratic side.

My friends, I thank you very much for listening to me so patiently. I wish to repeat that we have justified our contest by the attitude of the floor leader, by the Committee on Rules, by the support we have had from the Democratic Party, by the support we have had from the country, and in view of the assurances that we are going to get further opportunity to revise these rules, I ask you all to cooperate with us, Progressives, Republicans, and Democrats, and let us rival each other in now overhauling these rules so that we can serve our country. May the people's will prevail. [Applause.]

Under leave to extend my remarks I herewith print the first speech I made on the rules of the House. I followed this September 5, 1908, with a speech on the President's message and the rules of the House. A year later I made an address to the City Club of Chicago on the same subject. The address following was made to the people of my district:

POWER OF SPEAKER IS SCORED—CONGRESSMAN NELSON SAYS NEW MEMBER HAS LITTLE VOICE—SURRENDER NOW IS COMPLETE—IN ADDRESS AT WATERLOO DISTRICT REPRESENTATIVE DECLARES MEN ATTAIN INFLUENCE ONLY THROUGH LONG TENURE.

[From the Wisconsin State Journal, Madison, September 5, 1907.]

WATERLOO, WIS., September 5.—Congressman JOHN M. NELSON, of Madison, and Secretary of State JAMES A. FREAR were the principal speakers at the dedication of the firemen's park here yesterday. Mayor Becker will deliver an address to-day on good roads.

One of the features of the program yesterday was the address of Congressman NELSON, who spoke of his experience in Congress, detailing the mighty power of the Speaker of the House. He contended that all power had been surrendered by the Members from the forming of committees until now a new Member will not be recognized upon the floor of the House unless he has previously had a conference with the Speaker and related to him for what purpose he wished to speak.

Mr. NELSON'S remarks follow:

THE CONGRESS OF THE UNITED STATES AND ITS WORK.

With your permission, I will speak to you on the subject of "The Congress of the United States and its work." Having consented to say something on this occasion, I cast about in my mind for a suitable subject. The theme I have chosen occurred to me because I have been asked the question frequently this summer, "How did you find things in Congress?" It will also afford me as good an opportunity as I will have before the next session of Congress of defining my position to the people of the district on some matters of importance. Let me say here that after finding out what the limitations and requirements of a Member of Congress are I marked out for myself last spring, as your servant, a line of special investigation and study, which I hope to pursue along with my official duties, without giving time or thought to political matters until after the next session of Congress has adjourned in June. My policy is, in brief: This year, public duty; next year, personal politics. At the proper time and in the proper way I will gladly render to the people of my district an accurate and full account of my stewardship.

LONG PREVIOUS TRAINING NECESSARY.

Now, what a new Member will find in Congress will largely depend upon what he brings with him. If he comes equipped with the seeing eye, the informed mind, the habit of study, the love of labor, the purpose to be right and to do right, he will find in it a field fertile with opportunity for service to the people of the district and to the country at large.

THE VALUE OF PERSONAL EXPERIENCE.

Was I disappointed in what I saw? Not exactly, but I was surprised in many ways. I thought I had a pretty clear previous conception of Congress and the things that might be expected to be met with there, but how far different is the reality from the picture one forms beforehand.

When you see the proceedings of both the Senate and House at close range; when you study the operation of the rules of each House; when you see the Members face to face and note their varying qualifications, experience, and integrity; when you experience the conflicting claims that are made upon you by private interests on the one hand and the public good on the other; when you face the problem of voting as your conscience dictates or as the party organization demands, you get a truer conception of Congress and what constitutes success as a Member.

I believe that it is best for the Member and best for the district that the limitations and requirements of a Member of Congress should be known exactly as they are, for it is of the utmost importance to both the district and the Member that there shall be between them a mutual undertsanding and confidence, because the Member is the district or rather the trustee of the lawmaking power of the district in Congress.

UNIFORM COURTESY BETWEEN MEMBERS.

How does a new Member feel and how is he treated? Doubtless the first strong emotion experienced by the new Member, as he takes his seat among the mighty, is that of pardonable pride. You hear more or less said of Members of Congress by newspapers in a flippant, belittling sort of way, but I want to tell you that on the whole they come from the best and brainiest people of the land. A new Member or, as he is called, the "kid Member," is treated by the older Members with uniform courtesy. Particularly do I like to express my appreciation of the kindness of my colleagues. I had known many of them beforehand, and I learned to know all of them quite well. I could not help but think after I had learned to know what royal good fellows they are that if the people could know our public men better and not merely as they are represented, there would be much less of the harsh personal criticism that is usual, especially in campaigns.

SENIORITY GOVERNS.

But whatever may be the feeling of pride of a new Member at the beginning, he will feel humble enough when he finds how insignificant he is in comparison with the senior Members. He is assigned by the Speaker to the tail end of some unimportant committee, and must look forward to years and years of long service and hard work before he can reasonably expect to become a member of the more important committees, not to speak of possible chairmanships.

THE RULES.

You will scarcely believe what I shall tell you about the rules of the House. They are arbitrary, complicated, and centralize power in the presiding officer more than the rules of any other legislative body in the world. Nothing surprised me more than these rules. They seem to be especially devised to give the new Member a shock and a rude awakening from his ambitious dreams.

NO RIGHT TO INITIATE LEGISLATION.

Do you know that a Member has not the right to initiate legislation? This is a startling statement, but it is true. The new Member may have come with some bill in his pocket that he wishes to pass, some measure that he regards of great public benefit. He may introduce the bill, i. e., file it with the Speaker, but he will have no knowledge or control over the reference of that bill. The Speaker will refer it as he sees fit. It will go to some committee, and there its chance of resurrection is one in ten thousand. However, let us presume that he is persistent, that he has friends on the committee, and that the Speaker does not interfere to keep the bill down. He may get it reported to the House and placed on a calendar. Now, the Speaker is in full control of its fate. It can only be called up with the Speaker's consent, for the Speaker not only controls the fate of the bill through the control of the floor, but, as the chairman of the Committee on Rules, he also controls the order of business. Surely the people ought to know that the right to initiate legislation no longer remains with the Members, but rests in the favor of the Speaker.

Let me give you two illustrations of this power. Under Speaker Reed it was desired by a majority of the Members of his party to take up legislation with reference to the Panama Canal. In fact, a petition was handed him, signed by an overwhelming majority. But Speaker Reed "stood pat."

There has been a growing sentiment in Congress for revision of tariff. Memorials have been received from State legislatures. Last session this sentiment crystallized. Congressman COOPER circulated a petition among Congressmen for immediate revision. My name is fourth on that list. But Speaker Cannon "stood pat" as to tariff legislation.

NO RIGHT TO THE FLOOR.

Do you know that a Member has long since lost his right to the floor? The new Member does not know that. With a picture of the county board in his mind, or the State legislature, he thinks all he has to do is to say "Mr. Speaker," to have a chance to address the House. This is true in the county board and in the legislature; yes, it is true even in the United States Senate where senatorial courtesy controls, but it is not true in the House. The new Member may shout "Mr. Speaker," until he is black in the face; and, unless he has risen on a question of privilege or to make a point of order, the Speaker will say "For what purpose does the gentleman rise?" and if he has seen the Speaker privately in his room, and gotten his consent to be recognized, the green Member will be promptly told that he is "out of order," and will take his seat amid the laughter of those who knew better. Surely, it is time that the people of the country knew that the right of recognition, the right to occupy the floor by a Member, and to address the House, has been surrendered years and years ago, and that the right of recognition rests entirely in the favor of the Speaker.

RIGHT TO VOTE QUALIFIED.

The new Member may think he certainly will have the right to vote as he chooses, but even here he will soon be made to realize that he has that right only in a qualified way. Measures are presented to him under suspension of the rules, or under the control of the previous question, or under a report from the Committee on Rules, framed up in such a way, with no right to move amendments, that he frequently has little choice as to whether he votes aye or no. And again, on all party questions he finds that the party caucus aims to control his vote under the whip and spur of party regularity and party success. The Speaker is, of course, the impersonation of the party.

ONE-MAN POWER.

As the rules of the House, with the decisions of the Speakers, cover some 700 pages, and the parliamentary precedents as many more, I can only say now that careful study shows there has been a gradual surrender of power on the part of the Members of the House from the time the Speaker was given the appointment of committees until the creation of the all-powerful Committee on Rules. This surrender by the Members has made the Speaker, whose office is barely mentioned in the Constitution, the greatest political force in the United States, not even excepting the President. Few realize this truth who are not Members of Congress unless they have read up on the rules of the House and the growth of the power of the Speaker.

Perhaps I can give you no better picture of the situation than by asking you to imagine that the rules give the Speaker the power of hypnotism. He is enabled through the rules, whenever he sees fit, to render the minority party as helpless as if stricken with paralysis. Speaker Reed was asked, "What is the function of the minority?" He said, with perfect candor, "To constitute a quorum and to draw their salaries." As to the majority, of which he is supposed to be the party chief, if the Speaker wills that they vote "aye," all of them are expected to vote "aye"; if he wills that they vote "no," they are expected to vote "no."

SPEAKERS, MEMBERS, AND PEOPLE TO BLAME.

For this condition of things no one in particular is to blame. It has been a gradual surrender of power on the part of the Members, or shall we say, a gradual encroachment on the part of many Speakers. This has been made possible on account of the changing membership. Bear in mind that about one-third of the Members at every session are new men. The party caucus, that adopts the rules, is held before Congress convenes. Now, what does a new Member know about the rules or how they ought to be revised? At the second session, an election having intervened, about one-third are "lame ducks"—i. e., they have been defeated. What do they care about the rules or how they ought to be revised? The Members that remain in Congress for many years get to be ranking members of committees or chairmen, and they, with the Speaker as the pinnacle of power, become what is known as the House organization. Naturally, the leaders of the House, who are the lieutenants of the Speaker, do not care to change the rules, which give them the control of the House of Representatives.

MEMBERS RESTLESS UNDER RULES.

If I read the temper of the Members rightly, the time is not far distant when there will be a righteous rebellion against the tyrannical features of these rules. God speed the day! But, for the present, there are two powerful forces at work to quiet this rebellion among the Members. The one is the strong personal regard and affection that a majority of the Members, especially the older ones, have for Speaker "Uncle Joe" Cannon, who has now served 34 years as a Member of the House; the other influence is the feeling and the knowledge that it is not enough to inveigh against the rules, to tear down, we must be prepared to build up again, to put new rules in the place of the old rules, and this problem, in view of the immense business that must be done and the growing membership of the House, is no easy puzzle to solve.

THE NECESSITY OF STUDY AND INVESTIGATION.

But if it requires years of service and long study to master the intricacies of the rules, which a Member must accomplish if he is to amount to anything, what must be said of the long experience required to enable one to have even a general knowledge of all the different branches of the Federal Government and of their exact needs, which is again imperatively necessary if he is to vote intelligently and rightly on the immense amount of appropriations?

Did you ever stop to think that in one term of Congress the appropriations just about amount to the value of all the property of the State of Wisconsin, real, personal, and mixed? How, then, can a Member vote on the expenditure of such a vast sum without an intimate knowledge of the departments and their needs, even to the details, which knowledge can only come from long service and careful, patient study?

Mention is made of appropriations, but it is equally important to know what are the wants of the Government in other respects; how to strengthen and extend the departments, as, for instance, the Interstate Commerce Commission, which will be the great contest in the next Congress. Then, too, there are the questions of diplomacy, our relations to other lands, our island possessions, not to forget the tremendous demand that is made upon us, even in times of peace, by the friends of the Navy and of the Army.

HAPHAZARD VOTING.

It is a common mistake to think that the Member has plenty of time to study each question as it comes up. Under the rules the fact is that only chairmen of committees, or those especially advised by the Speaker, know what measure will come up for consideration. The calendars are so large that no attempt is made to take up bills in regular rotation. The order of business is controlled by the Speaker and is governed by him through committees. The discussion is usually brief, and to some extent unreliable, for only the members of committees, as a rule, have had any opportunity to inform themselves beforehand. This is, to my mind, the most vicious feature of the rules. In nearly every State legislature you know beforehand what is coming up, but calendars are no help to the Members of Congress at the present time. Therefore, if he is not pretty well informed by previous study and investigation, he usually votes with the party organization or as some other Member votes in whom he has implicit confidence.

THE STRENUOUS WORK DEMANDS YOUNG MEN.

Naturally the burden placed upon the working Members of Congress is very great. I say working Members, for there are many who do little more than draw their salaries. Indeed, there are Members who have not attended Congress a single day of the entire session. I trust that it will not be considered immodest in me in pointing to this feature of my record; I never missed a roll call. But speaking of the work of the House, it is a striking fact that the working Members are largely young men. The average age of the Members of the last session, when elected, was 42 years. The average age at present is only 50. There are a very few old men in the House, and with but one or two exceptions, these have grown old in the service. Speaker Cannon is the best illustration of this fact. He became a Member at the age of 37, and has served 34 years. He is now 71 years of age. Congressman Payne, Means Committee, was 39 when he entered Congress. He is now 64 years old. Congressman Tawney, chairman of the Committee on Appropriations, the next highest in rank, was 37 years old when elected. He is now 52. Thus it will be seen that the speakership and the most important chairmanships were attained by Members who were young men when elected, but have remained long in the service, and even now are in the vigor of manhood.

THE SOUTH ELECTS YOUNG MEN.

The South wisely elected young men to the House. Thus the average age of the delegation from South Carolina, when elected, was 37. Not one of them is now over 50 years old. This will give them long service. In the event of a Democratic victory it will give the important committee assignments and chairmanships to the South.

RANK OF WISCONSIN MEMBERS.

It is interesting to note that, except in the second district, Wisconsin Members have held high rank on committees, due, without doubt, to long service.

PRIVATE INTERESTS VERSUS PUBLIC GOOD.

Nothing comes home with greater force to a Member of Congress than the constant conflict that is on between private interests and public good. This ranges all the way from the special interest of some person, or locality, to the special interest of corporations, or the trusts, at the top of which is the Steel Trust. It is remarkable in how many ways special interests seek to make a raid upon the Public Treasury, or to get some favorable legislation. For instance, in the last session the Steel Trust wanted harbors built, rivers improved, the work of the Geological Survey extended, under cloak of the public good, but in reality for its private purposes, or it is constantly

looking after its interests in securing contracts from the Government in the way of battleships. Illustrations might be drawn from the public lands, the coal fields, the forest reserve, or the tariff, but I named the Steel Trust merely as the more striking example of the whole class of gigantic corporations or trusts that have sought to control legislation in the past. It goes without saying, therefore, that the Member must be honest, he must be watchful, he must be informed, he must be steadfast, he must be unselfish, if he is to give faithful service to the people of his district and to the country.

CONSCIENCE VERSUS ORGANIZATION.

But the most distressing experience comes to the new Member when, as it sometimes happens, he finds himself in disagreemnt with the party organization represented by the party leaders in the House. What shall he do? Shall he vote as the House organization demands or as his conscience dictates? He will see the arguments for and against somewhat in this light: If I vote with the House organization, I stand a chance of rapid promotion, which means good committee assignments, which means recognition by the party leaders, which means success, for the district I represent will judge me by the bills I pass and by the committees to which I am assigned. The district wants results. To vote as conscience dictates means party irregularity, means party disapproval, may mean failure.

I am glad that I live in a district where the voters have been educated to approve independent judgment. Let me give you three illustrations of how this question was put to me repeatedly in the last session of Congress. The three bills I wish to mention are (1) the ship subsidy bill, (2) the 16-hour railway bill, (3) the Aldrich currency bill.

THE SHIP SUBSIDY BILL.

The pressure for ship subsidy legislation has been enormous for years. At the last session it culminated. Three Cabinet officers, the President, the Speaker, and the whole House organization were back of it. Some very good arguments were made in favor of it, especially the necessity of keeping up our mail service, and of assisting the Navy with transport ships in case of war. But the principle of voting subsidies to private interests does not appeal to me and I could not justify voting a subsidy of millions of dollars to shipping trusts under the guise of mail subventions; for cloak it as you will, in the end I believe some shipping trust would get the money. Hence I voted "no" on every proposition.

16-HOUR RAILWAY BILL.

Again the appeal has been made repeatedly to Congress to protect the railway men, who have been forced into service 24 hours at a stretch. Now, I do not like to travel behind an engineer who has been 24 hours steadily at work and who, as it frequently happens, falls asleep at his post of duty through weariness of mind and flesh. And what I do not wish to do myself I do not want others to do. Hence when the La Follette bill came from the Senate I wanted to see effective legislation passed in the House. The substitute bill that came from the Interstate Commerce Committee I could not support in good conscience, although it was backed by the whole organization of the House, and, with a few other Republicans, I voted with the minority against its passage under suspension of the rules. We blocked its way thus for a week. During that time the railway men had been active in bringing pressure to bear. The President threatened the proposed bill with the "big stick." The result was that the Committee on Rules reported a rule taking out the objectionable features. The bill then passed unanimously.

THE ALDRICH CURRENCY BILL.

There had been for some time an urgent appeal to Congress by the Treasurer of the United States to furnish him with bills of lesser denominations—ones, twos, fives, and tens. He spoke to me about it when I called at the Treasury, and I promised to vote for such a bill if it came up. He complained that it was being held up in the Finance Committee of the Senate, of which Senator Aldrich is chairman. Finally, during the closing days, the Senate committee presented the bill, but onto it were grafted many other features. It gave the Secretary of the Treasury enormous power in depositing public funds with national banks.

You know how frequently now he comes to the relief of the money stringency by making deposits in the national banks of New York and other great cities. Bear in mind that the national funds amount to hundreds of millions placed on deposit with these banks; remember further that the State of Wisconsin gets 2½ per cent of all daily balances of State funds deposited with banks. Senator Nelson presented an amendment to the Aldrich currency bill, providing that banks should pay 2 per cent on deposits, which was defeated. The bill came over to the House, and its passage was moved under suspension of the rules, which gave us no chance to propose amendments, and only 40 minutes for debate, 20 on a side. The chairman of the committee took up the time on the Republican side. While I was in favor of some features of the bill I could not in good conscience vote for this bill as it stood, and therefore with six other Republicans I voted with the minority against the passage of the bill. However, it passed and became a law. Perhaps I was mistaken in my position, but having resolved to vote according to the dictates of my conscience I voted as I have told you.

OTHER ILLUSTRATIONS.

Let me give you two illustrations of how a Member has to face the conflict between private interests and public good when it is difficult to see the dividing line. I selected the general service pension bill and the salary bill:

GENERAL SERVICE PENSION BILL.

The requests for private pension acts from old soldiers have been enormous. When I took my seat in Congress I had in the neighborhood of 60 applications, and my predecessor had numerous bills pending. To meet pressure, and considering the fact that the old soldiers were fast dying off, a bill was reported granting to them what is known as a "general service pension," varying according to age. It was shown that this would not increase the pension roll, because the death rate of soldiers has become very large and is increasing every year. By many this may be looked upon as a bounty from the Government to private persons, but I regard it rather as a payment in part for services rendered. These old soldiers had risked life in fighting for their country, and now that they are getting to be old and many of them extremely needy I thought this was but a just recognition of their patriotic service, and I gladly voted for the bill.

SALARY BLL.

Then the question of increasing the salary of the Members came up. There had been no increase for years. It was known that the cost of living had more than doubled. While I recognized the fact that the older Congressmen and Senators were worth more than $5,000 a year, I could not justify, as a new Member, if I voted for an increased salary. Therefore you will find my name recorded as voting "No." I never changed my position. While I have no fault to find with those that voted for it, I do believe that the House made a mistake the second time the measure came up by not giving the country a record—an aye and no vote. By common consent between the leaders of the Democratic minority and of the Republican majority a roll call was not demanded, no doubt for the reason that however just the increase might be everyone who voted for it would be sure to have some carping candidate barking at his heels to hound him out of office, instinctively relying on the prejudice of many misinformed people.

MY RECORD.

It was not my desire to review my votes but to illustrate some phases of what I found in Congress. I will be pleased, however, if you will look it up, for, conceding a mistake or two, on the whole I am rather proud of them myself. There are two reasons why a voter should look into the record of his Representative; the one is that if the Member has voted right he may receive deserved approval, the other is that if he has voted wrong he may be turned out of office. Bad Members would be more careful how they voted if they thought that more than one out of a thousand voters would look up their record.

TALK VERSUS WORK.

In the House there is little opportunity for the talker. The effective speeches are two, three, or five minutes long by members of the committees or other well-informed legislators. There are a few talkers, whom I do not care to name, who are bores because of their desire to "butt in" with a speech on every occasion. They are heartily disliked, and their influence, if they ever had any, has been completely destroyed by this craving to speechify. The Member who comes to the front steadily is the Member who is in attendance, who carefully reviews the reports, who studies the departments of Government, who knows exactly their needs, who reads up on public questions in detail, who attends upon his committee meetings—in short, who looks after the steady routine of work, making no particular effort to shine as a bright, eloquent star. The talkers are not the workers. Speech makers, as a rule, are merely time killers. The legislator who has an ungovernable craving to talk is a nuisance in the House of Representatives, and those who defend the rules say that but for the wise limitations placed upon the tongue of the eternal talker business would be impossible.

VOTING RIGHT.

The supreme test of a Member's fitness to represent his constituency is, How does he vote? If he is in his seat day after day and votes right, he is a first-class Member.

For campaign purposes various false and unfair tests are set up. The test of right voting is the only proper test. Above all else I would not care to be counted among those in Congress who are known as "windjammers."

In conclusion let me define the limitations and requirements as I found them and what constitutes success as a Member. If to make good as a Member of Congress means to secure high committee assignments the first or second term; if to make good means the securing

of a chairmanship in one, two, or three terms; if to make good means the making of many speeches; if to make good means the breaking down single handed of established parliamentary laws and precedents, then success will not come to the new Member. He will be unable to make good, for no one can pick down stars.

But if a district is satisfied with a Member who is in his seat regularly and never dodges a vote; who aims to study every question with care; who is exercising independent judgment in and out of Congress; who has but one purpose—to discover what is right; who aims to be broad in his views, charitable in his judgment of his fellows, loyal to his district and yet just to all the rest of the country, such a new Member may well have an abiding confidence in his soul that he can and will make good.

Between the people and their Representative there is an implied contract. If the Member does his best and attends to his duties, he is entitled to the trust and confidence of his district for a reasonable period. He is entitled to a fair chance. In return the Representative must recognize that in being honored by the district as the trustee of the legislative power of 200,000 people, it is not for him to exploit his office in his own interests, but to give to the people of his district and to the whole country the fullest measure of service.

Mr. CRISP. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRISP: Page 5, line 16, after the word "a" insert the word "public," and in line 25 strike out the words "and fifty."

Mr. SNELL. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. SNELL. I will say on behalf of the committee that the first part of the amendment offered by the gentleman from Georgia was intended to be included in this print, and we are quite willing to accept it. I ask unanimous consent that the first part of the amendment be agreed to.

Mr. CRISP. That is satisfactory.

The SPEAKER. The gentleman from New York asks unanimous consent to agree to the first part of the amendment. Is there objection?

There was no objection.

Mr. SNELL. I wonder now if we can not agree upon some time for debate upon this amendment?

Mr. CRISP. Mr. Speaker, there has been unlimited debate thus far, and no one has been restricted. Under the rules I am entitled to one hour. I think the House will agree that I am a rather short-winded horse, that I do not care to talk, and I do not like to talk any longer than is necessary. I should like to proceed under the rules of the House and not feel rushed for time. I assure the gentleman that I shall not take any more of the time of the House than I think is necessary to cover the subject, and I hope I shall not repeat my argument.

Mr. SNELL. That is perfectly satisfactory and we appreciate the gentleman's sentiment. We are willing that he should have all of the time he wants, but I am wondering if he could not come to some agreement on time.

Mr. CRISP. As to any agreement, I shall, of course, acquiesce in any that my leader makes.

Mr. LONGWORTH. How long does the gentleman expect to take?

Mr. CRISP. Oh, if I am not interrupted, I doubt whether I shall consume any more than 15 or 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, as far as I know at this time, the gentleman from Georgia will make the only argument that will be made upon this side. Something might occur in the course of the debate that would cause some one else to desire a few moments.

Mr. CRISP. Mr. Speaker, without arrogating to myself any superior knowledge of the rules of the House over a number of its Members, I do want to assure my new colleagues that as time goes on they will find many of the rules a perfectly veiled mystery to them and they will be doomed to many personal disappointments. The Constitution of the United States delegates to each branch of Congress the right to make its own rules, and it is very important to the membership of the House that they have the right kind of rules, and it is important to you new Members to contribute your part toward seeing that you have the right kind of rules, if you want to measure up to your high ambitions and ideals when you came to Congress. I think you would profit by taking the experience of some of the older ones who have seen the rules in practical operation.

With the proposed amendment to the rules now being urged by Democratic Members of this House and supported by a number of friends on the other side, I believe you will have as good a set of rules as it is possible to have for a body of this magnitude, representing the great diversity of interests with which necessarily we have to deal, as our country is a great country with many conflicting interests.

In the enactment of a law the cardinal principle for a legislative body to pursue is to consider the old law, the evil, and the remedy. In my judgment, that same rule of procedure should apply to a proposition to amend the rules of the House. What is the old law? It has been frequently charged on the floor of this House that a majority of its Members could not work their will without a resolution, and the charge has been made in the press for many years that certain leaders, the steering committees, could thwart the will of a majority, could stack a committee so that a public matter, a matter of vast importance to the people, could never be brought on the floor of this House and the Members given an opportunity to pass upon it.

After the revolution in the House along in 1910, when Mr. Cannon, our then able Speaker, was turned down and offered to resign, a discharge rule was provided. It was a delusion and a snare. It was a sugar-coated pill, and all the old evils and bad taste of the original medicine were left. That rule was absolutely unworkable and never has worked up to this good hour. What is that old rule? It provides that a Member may file a motion for a discharge and that on certain days—the first and third Mondays—after the Unanimous Consent Calendar has been disposed of and after all motions to suspend the rules have been disposed of, that motion may be called up. If a majority of the House, by tellers, seconds the motion, then there could be 10 minutes of debate on a side and a vote would then come on the question of discharge, and if the House discharged, then the bill would go to the calendar, with no privilege and there abide its time and sleep serenely.

Now, that was a long, circuitous, rocky road for the motion to travel. I have been here 10 years and I do not remember one single instance where any legislative bill has been discharged from a committee. Therefore you will agree with me, I am sure, that to say the least it was a delusion if it was not a snare. Now, what was the evil? The evil is that when men are elected to this great body, intrusted with legislative responsibility, they are entitled to have a chance to express their views on momentous public questions. [Applause.] Now, I have no sympathy with the argument made here privately that a workable discharge rule will make Members go on record. That it would be embarrassing to them at times. I think a man elected to this great body ought to be willing to take the responsibility that goes with its membership [applause] and be willing to come out and express his views on public questions. My colleagues, I drafted the substance of this discharge rule which you are soon to be called upon to vote upon.

There are only a few changes made in the rule as drafted by me. One of them requires a petition to be filed with the Clerk and a duplicate given the Member that the Member could circulate. Under the rule as drafted originally there could be given copies of the resolution to different persons to circulate it. My attention was called to the fact that this was a very responsible duty of obtaining a motion to discharge; that the circulation ought to be confined to the membership of the House, so propagandists, and so forth, could not circulate it. I agree to that; I think it is right. I very readily said I thought it was right to protect the House and that I was willing for the amendment to be adopted. The only other change was striking out of the rule the provision that it would be applicable in the last six days of the session as well as on the first and third Mondays. I agree to that. I think it is an important change and perfects the rule. I think if a Member or 100 Members are interested in a bill pending before a committee and sit supinely by and do nothing until the last six days of the session they have been guilty of laches and negligence and should be stopped from complaining, and that in the last six days of the session that motion ought not to be in order, and before the Rules Committee I conceded it and said I thought it would be an improvement to strike it out.

Mr. VOIGT. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. VOIGT. Do I understand the gentleman if his amendment propositions are adopted the rule will be satisfactory to him?

Mr. CRISP. Yes. Well, I will guarantee if we adopt it and if you give me a numerical majority in this House I can do business.

Mr. VOIGT. One more question. I notice in line 17, page 5, it is provided that one motion may be presented for each bill or resolution. Now, the prior part of the rule provides for presenting this motion to the Clerk. I have heard it stated on the floor here that the motion is not complete until 150 signatures have been obtained. The language in line 17, "that only

one motion may be presented," evidently refers to the motion as contained in the beginning of the paragraph?

Mr. CRISP. I do not think there is any conflict; I think it is perfectly clear that they dovetail into each other, and if the gentleman will give me a chance I will explain that.

Mr. VOIGT. If the gentleman will pardon me, my point is this: Suppose a Member presents this motion to the Clerk and fails to follow it up by getting the 150 signers. Then, is not any other Member debarred from presenting a similar motion again?

Mr. CRISP. No; I think that means you have not a complete motion to discharge to start with. Until you have the necessary number of signatures the motion is incomplete. When you have the necessary number of signatures, then the motion to discharge is complete, and after that is done there can not be a second motion to discharge as to that same bill or resolution.

Now, gentleman, what does this rule provide—my mind has been taken off my point and I do not know exactly where I was—but what does this rule do? It provides on the first and third Mondays of each month, when all the conditions precedent have been complied with, that it shall be in order, not after unanimous consent, not after suspension, but "immediately" after the reading of the Journal on those days the Speaker must recognize these motions first. Now, it provides, if the House does not want to remain in session, that immediately after the reading of the Journal one motion to adjourn shall be in order, and when that has been voted down there can be no intervening business of any character until the motions which are on the calendar and called up have been disposed of. Under your rule in the last Congress you had unanimous consent, you had suspension, and you never reached a motion to discharge.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CRISP. I will, but I can not make any logical argument with constant interruptions.

Mr. BLANTON. So as to clear up a misunderstanding. There is a misunderstanding about one phase——

Mr. CRISP. I will yield.

Mr. BLANTON. After the duplication has been issued and a Member, if he sees fit, stops proceedings, he could not stop any other Congressman going to the Clerk's office at any time during the Congress, and whenever the 150 or 100 signatures were obtained it would bring up the matter?

Mr. CRISP. Of course not; and I do not see how any man who reads the resolution could get that idea.

Mr LAGUARDIA. Will the gentleman yield?

Mr. CRISP. I will.

Mr. LAGUARDIA. If a motion is made to adjourn and the House adjourns on that day, is that motion in order the next day?

Mr. CRISP. No; if the House adjourns, that motion to discharge is in order only on the first and third Mondays, and if the House adjourns it is not in order on the next day. When those days arrive on those days after the House votes down a motion to adjourn it is in order to call up these motions pending on the calendar, and there shall be 20 minutes debate, and after the 20 minutes debate the House shall proceed to vote whether or not it will discharge the committee. I thought that possibly the House might desire to discharge the committee and yet not take up that day in the consideration of the bill as they might prefer to go on with the Unanimous Consent Calendar.

So the rule provides that if the House discharges the committee, then it is a motion of the highest order to move the immediate consideration of the bill or resolution; and if the House votes for the immediate consideration, then, of course, you go on with that bill until it is disposed of, and it displaces the Unanimous Consent Calendar. But if the House discharges a committee and then does not care to take up the bill for immediate consideration, but prefers to go on with the Unanimous Consent Calendar, Members can vote against immediate consideration, and the bill is then out of the committee; it is referred to the proper calendar of the House, clothed with all rights and privileges that it would have had, had the committee to which it was referred reported it favorably and put it on the calendar.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes; I yield to the gentleman.

Mr. TILSON. Suppose that the House decides to consider it and begins the consideration of it, and yet adjourns before the completion of the bill or resolution. What happens? Does it go on next day, Tuesday, or does it wait until the next suspension day?

Mr. CRISP. I think it would go on until the next suspension day. But the gentleman from Connecticut will recognize that the whole scheme of this rule is to make it, under the orderly procedure, within the power of the majority of the House to work its will, and when a bill is up under this rule, if the House wants to go on with it to its conclusion, the House can refuse to adjourn. The House, instead of adjourning at a late hour, recesses, and the next day is the same legislative day, and the House can proceed on indefinitely to the disposal of it. It is simply in the power of a majority to do its will.

Mr. TILSON. I think the gentleman's interpretation is right, and I think the rule should be interpreted in that way.

Mr. CRISP. There is another proposition. If the House discharged the committee and took the bill up for immediate consideration, then if the House wanted to go on to some other business the bill would be up under the rules of the House, and in my judgment clause 4 of Rule XVI would be in order; and when the bill is up, you could move to postpone it to a day certain, which is consideration, and pass it at some other time and not interfere with Calendar Wednesday.

I do not believe, gentlemen, that this rule, if adopted with 100 Members, will work havoc with the proceedings of this House. If I thought so I would not stand for it. I am not an obstructionist. I hope I am a constructionist. I believe in party government. I believe the majority party has the right to control. I believe the minority party has the right to smoke out the majority and make them face issues, make them vote on great public questions. I think the minority has the right itself to go on record, and that is all this rule will do.

Now it is amply safeguarded. I listened with a great deal of pleasure to the remarks of my distinguished cousin, the gentleman from Ohio [Mr. BURTON], when he was referring to the great number of bills pending before the committees. I have not seen his list, but I will venture to say that 90 per cent of them are private bills, and this rule would not apply to them. It is one of the best evidences of my sincerity that I did not want a rule that would clog up the business of the House. In the rule which I drafted I confined the application of the rule to public bills and resolutions, and when I looked over this print I saw the word "public" was left out, and I offered an amendment myself to include the word "public," for I did not want the rule to apply to private bills.

Now, gentlemen, if the rule is adopted, it simply gives 100 Members the right——

Mr. LONGWORTH. Mr. Speaker, may I ask the gentleman how he arrived at the precise figures?

Mr. CRISP. I was just coming to that. I am advocating 100 Members. Why? I think it is a logical number under the general rules of the House. One hundred is your quorum in the Committee of the Whole House on the state of the Union. You will spend weeks and months, sometimes, in the Committee of the Whole House on the state of the Union, with 100 as a quorum, considering tax bills that tax the people billions of dollars. You will spend weeks and months of your time, with 100 as a quorum, considering appropriation bills that appropriate millions of dollars. If it is competent for 100 Members of this House to take weeks of their time taxing and appropriating millions of dollars, is it not reasonable to say that 100 Members of this House on two days in each month are entitled to have 20 minutes—20 minutes of the time of the House—and one roll call to see whether or not they desire to proceed to consider a public bill of sufficient importance to secure 100 Members, representing 100 districts of these United States?

That is all that rule does. Some of my friends might think that if you provide for 100 Members it will lead to chaos; that the calendar will be chock full of motions to discharge and that no business can be done. I do not believe it. The rule will only apply to public bills and resolutions, and I have too much respect for the membership of this House to believe they would lend themselves or become a party to any such obstructionist proceedings; I believe this House, if it has this rule, will take it in good faith; I believe the membership of the House will appreciate the gravity of the situation, the responsibility upon them, and that they will sign only those motions of sufficient public interest to authorize them to do it; I believe the membership of this House will have the courage to say "no" when a petition is presented to them that they do not approve and will refuse to sign it.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. MOORE of Virginia. I agree with the very able and admirable statement made by my friend, and in answer to the suggestion that this rule might operate to promote a filibuster,

have we not in mind the fact that in a short session of Congress, beginning in December and ending in March, there would be only six days on which the rule would be workable, and in a long session, beginning in December and ending in June, there would be only 12 days?

Mr. CRISP. I have not considered the figures, but I have no doubt my colleague's calculations are correct.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRISP. Yes; I yield. I am willing to yield for any questions that I can answer, because I have nothing to conceal.

Mr. JOHNSON of Washington. I am asking this for information. If a bill is brought out on petition, signed by 100 Members, and is considered in the House, will it be possible for the House to recommit the bill?

Mr. CRISP. Absolutely; the rule provides the whole procedure. If the House should discharge a committee and proceed to the immediate consideration of a bill, it would be considered under the general rules of the House. If you will turn to clause 4 of Rule XVI you will find that when a matter is up for debate motions to refer, to postpone, et cetera, are in order, and it would simply be considered under the general rules of the House.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CRISP. Yes; I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The question just asked by the gentleman from Washington [Mr. JOHNSON] is a very important one. It occurs to me it is possible to put a construction upon the language which might interfere with the successful working of the rule.

I invite the attention of the gentleman from Georgia to the language in lines 10 and 11 on page 6, "and the House shall proceed to its consideration in the manner herein provided without intervening motion—" Now, suppose it ended right there. Then a motion to adjourn would not be in order.

Mr. CRISP. Well, I will state to the gentleman from Wisconsin——

Mr. COOPER of Wisconsin. Just a minute. Will the gentleman permit me to make this observation? Suppose it ended right there. Certainly a motion to take a recess would not be in order because you can not take a recess except upon motion, and if no motion is in order then a motion to recess would not be in order. So I simply direct the gentleman's attention to what I think might be a possible interpretation of this language, "the manner herein provided without intervening motion except one motion to adjourn." Now, ought not that to be followed by——

Mr. CRISP. I was going to say that I understand what is in the gentleman's mind.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make a suggestion? After the word "adjourn" in line 12 ought not this language to follow, after a semicolon, "but the House by a recess may continue the legislative day.

Mr. CRISP. I think the House may do that anyway, and I am frank to say that in my draft I included right at that place the proposition that no other intervening motion of any kind was in order; that the Rules Committee redrafted and slightly changed, but without, in my judgment, changing the substance at all of what I wrote, except as to the manner of filing the petition, striking out the last six days and substituting 150 for 100.

Mr. STEVENSON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. STEVENSON. You provide that if a bill is not taken up immediately it shall go on the proper calendar and shall be "entitled to the same rights and privileges that it would have had had the committee to whom it was referred duly reported same to the House for its consideration." Now, then, when Calendar Wednesday comes, who will call up that bill? If the committee has refused to report it, then when it comes to Calendar Wednesday it is natural to suppose that the committee would refuse to call it up, so do you not think you ought to protect the proponent of the bill by providing that it may be called up by the proponent of the bill?

Mr. CRISP. That may be worthy of consideration, because I have the highest respect for the intelligence and judgment of the gentleman from South Carolina. But, gentlemen, to my mind the Speaker of this House, who is eminently fair, and the chairmen of these great committees of the House, in my judgment, when the House has adopted rules will construe that those rules are binding upon them, and that they will give them the interpretation which was intended. And in the case mentioned by the gentleman from South Carolina [Mr. STEVENSON] I believe the chairman of that committee on Calendar Wednesday would call up such a bill even if he did not believe he could defeat it. Gentlemen, we are sailing on an uncharted sea, so far as this discharge rule is concerned, because it is a workable rule, and when you are on any uncharted sea you do not know all the contingencies that are going to arise. But if you put this rule into operation, gentlemen, and it is working—and it will work—and these obstacles occur, then you can take such action as will result in removing them.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. CRISP. I yield to the gentleman.

Mr. GRAHAM of Illinois. Do you think a question of consideration could be raised on this bill at any stage after the House has voted to take it up?

Mr. CRISP. I do not think a question of consideration could, because you have just voted on the question of consideration and the House has decided to consider it. Therefore, when it is up, you could not raise a second motion for consideration. Here is the rule.

Mr. GRAHAM of Illinois. Suppose it comes on Calendar Wednesday; could it be raised then?

Mr. CRISP. I do not think so. Here is the rule:

> When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, to amend, or postpone indefinitely—

And so forth.

Therefore, if the House discharges a committee and takes it up and it is being considered under the general rules of the House, the general rule of the House which I have just read will apply to it.

Mr. GRAHAM of Illinois. What I had in mind was this, and perhaps the gentleman did not understand me: Suppose the House concludes not to take it up and it goes on the calendar, and then it is called up on the calendar, then a question of consideration can be raised, can it not?

Mr. CRISP. I think so. In other words, gentlemen, this rule is not intended to give, and does not give, a bill per se any greater privileges than it had if that bill had been reported from the committee to which it was referred. If the committee reported the bill, if it was not a privileged bill it would not be privileged on the calendar. If it was not a privileged bill and the committee refused to report it, and it is discharged, unless the House proceeds to immediate consideration of it, it takes its place on the calendar, nonprivileged, with no superior rights than it would have had had it been reported from the committee.

In substance that is the rule. I do not believe it will give trouble. I do not believe the Members, in sufficient numbers, will be a party to simply signing motions in order to clog the calendar. I do not believe you can get 100 signatures to a bill unless it is of great importance, but I am frank to say that if the number of 100 is adopted and it is proven to be a Pandora's box, if it is interfering with the orderly procedure of this House, I will join with the other Members of this House in amending it by increasing the number, for I would not propose a rule that I would not be willing to stand for if we were in the majority, and when I drew it I confidently expected we would be in the majority in the next Congress.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. CRISP. Yes; I yield.

Mr. NELSON of Wisconsin. I simply want to say that I can give the same assurance. As a member of the committee I would not stand for a rule that would not be workable.

Mr. CRISP. Now, gentlemen, I have talked longer than I intended.

Mr. McSWAIN. Will the gentleman yield?

Mr. CRISP. I will.

Mr. McSWAIN. On the question of the reasonableness of 100 signatures to put a numerical majority of the Members of the House on record, under what is referred to as the "smoking-out rule," the Constitution itself provides that one-fifth of the House may demand and compel a yea-and-nay vote. An actual one-fifth, if all the Members were present, would only be 87, so the rule is still more liberal than the Constitution itself.

Mr. CRISP. Yes; I think so. The Constitution assumes that the membership is going to be here, and the Constitution says one-fifth of those present can demand the yeas and nays, but the great Constitution, and to my mind it is the greatest document ever written on earth, does not give this House a chance to go on record unless some committee reports out a bill or unless you take a bill away from a committee and get it before the House for consideration.

Now, gentlemen, you want a workable discharge rule. Here is one. If you adopt it, and you will let me supplant the gentleman from Ohio [Mr. LONGWORTH] for a few minutes and be the leader of the majority on these days, I will guarantee I will

do business. If you will give me the votes, I can take this rule and I will do business all right. Under your present rules, if a committee does not report out a bill without a revolution, you can not get it away from them and therefore you can not vote. If a committee has reported a bill out and it is on the calendar and it is not a privileged bill and the leaders of the House say, "No; we will not give you a special rule to consider it," without a revolution 250 Members of this House can not get it up. I grant you that with a revolution you can do anything, but under the rules without that you can not get it up. But if you adopt this rule, you can. Suppose there is a bill on the calendar and you want to consider it and you can not get a special order for it. I could sit down and I could write a special order providing that on a certain day this bill should be taken up and given privileged status and considered, and I could send that rule to the Committee on Rules, and suppose they pigeonholed it and determined to let it sleep, sleep, and sleep. On the first and third Mondays I could have a motion to discharge the Committee on Rules, and if the House would vote with me I would discharge them, and then when it was discharged I could move to have immediate consideration of that special rule giving this bill a privileged status making it immediately in order, and if the House voted with me, it would be privileged and your bill would be considered. There is no way to stop it.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. CRISP. I will.

Mr. COOPER of Wisconsin. Under the provisions contained in lines 14 to 18, page 5, suppose a Member who is opposed to a bill should file a motion in the Clerk's office to bring it out of the committee. When the duplicate is handed to him he will not procure signatures. And yet you say only one motion can be filed.

Mr. CRISP. To start with, I do not believe there is a Member of the House who would be guilty of that procedure. I think Members are above that; but if they did do it, the original is filed with the Clerk in the Clerk's office, and every Member of the House would have the inalienable right to walk in and sign the original.

Mr. COOPER of Wisconsin. Lines 24 and 25 state that after 150 Members have signed the petition and duplicate the motion shall be entered on the Journal.

Mr. CRISP. Let me say to the gentleman from Wisconsin, I never drafted that exact language. It has been changed—I know what the gentleman means, but I think the wording is clear. It means that where 150 men have signed—that when the total of 150 men have signed—both the original and the duplicate it is effective.

Mr. COOPER of Wisconsin. Then why does not the rule say so?

Mr. DENISON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. DENISON. One of the objects in referring the bill to a committee and the invariable rule has been to give those of the country who are in favor of the legislation and those who are opposed to it an opportunity to come before the committee and be heard.

Mr. CRISP. Yes; and this rule does not interfere with it. This rule is only applicable after it has been before the committee for 30 days. Then if the motion is offered it must be on the printed calendar for 7 days. The shortest time that you can really get the bill from the committee is after they have had it 37 days.

Mr. DENISON. Will the gentleman yield again in connection with the same subject?

Mr. CRISP. Yes.

Mr. DENISON. When the transportation act which resulted in the Esch-Cummins law was before the Committee on Interstate and Foreign Commerce, the committee held hearings every day that it could be in session from the 1st of July until into October. So the gentleman can see that if the rule had been in force at that time, when every hour of our time was occupied in important hearings for those months, our committee could have been discharged from the consideration of many important bills.

Mr. CRISP. I do not concede that. The gentleman has a very different idea of the membership of this House than I possess. The membership here is composed of big, sensible men, business men, and they are not going to do a ridiculous and foolish thing. If a motion was made to discharge a committee from the consideration of a bill that the committe was working upon honestly and sincerely, giving the people hearings, I do not believe you could get 10 men in this House to vote to discharge the committee.

Mr. COOPER of Wisconsin. Will the gentleman yield again?

Mr. CRISP. Yes.

Mr. COOPER of Wisconsin. Would not that theory which the gentleman has just stated make unnecessary the bill of rights in the Constitution, and the requirement that everybody in a fiduciary capacity should furnish a bond, on the ground that you are reflecting on the integrity of certain men in public office when you require them to give bonds for the faithful performance of their duties, and that you are reflecting on men in public office by having a bill of rights in our Constitution to protect the liberties of the people? Daniel Webster said that the struggle for ages has been to rescue liberty from the grasp of executive power.

Mr. CRISP. Mr. Speaker, I did not yield for a speech.

Mr. COOPER of Wisconsin. I will ask a question, then. The gentleman made considerable of a speech in answering the other question.

Mr. CRISP. But I had the floor.

Mr. COOPER of Wisconsin. Will the gentleman permit me to go back to lines 14 to 18, inclusive?

That permits any man to file a motion with the Clerk to discharge a committee, and it does not permit another Member to file a motion. Only one man may be permitted to file a motion on each bill or resolution. Therefore if an enemy of the bill or proposition should file a motion to discharge a committee and take it down to the Clerk's office, nobody might know about it until some Member in favor of the bill should seek to file another motion and be denied that privilege because of this rule I have read.

Mr. CRISP. When the motion comes up before the House that motion could not die or become functus officio unless the majority of the House voted against it. If 100 signers had passed on it—opposed to the motion, if you please—if a majority of the House wanted it, it could adopt it. I wrote the provision in the rule that only one motion should be in order, and I did it to answer the objection that it was throwing a monkey wrench into the machinery and interfering with the public business, which I did not desire to do. I thought that when the House had had one fair, square vote as to whether they would discharge a committee that that was sufficient, and a second motion ought not to lie.

Mr. COOPER of Wisconsin. The gentleman does not seem to have in mind the exact proposition.

Mr. CRISP. The gentleman from Wisconsin has the erroneous conception. My conception is that the motion to discharge does not become alive until 100 Members have signed it and it is placed on the calendar. Before that it is incubating, so to speak.

Mr. COOPER of Wisconsin. Does not that make it unnecessary to get signatures? If the enemy of a proposition may file a notice of a discharge of a committee and take it down to the Clerk's office, and his motion can not be signed in any other office than the Clerk's office, he can keep secret as long as he pleases the fact that he has filed the motion. Gradually it will be discovered that there is a motion down there, but no other Member, no friend of a measure, could file another.

Mr. CRISP. I answer the gentleman by saying that when I drafted the original resolution I did not have that in it, but the gentleman will recognize that I am not on the Committee on Rules. I could not control the action of the Committee on Rules, and in legislation you must take the best that you can get. I am not yet prepared to say that the committee's amendment in that respect is not better than my own original proposition; and, in any event, I acquiesced in it, and I am standing with the committee.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. MORGAN. Was it the intention of the Committee on Rules that 100 or 150 Members, the number stated in the resolution, should sign either the motion or the duplicate?

Mr. CRISP. The gentleman from New York [Mr. SNELL], the chairman of the committee, is 21 years of age, and I shall let him answer for himself.

Mr. MORGAN. I do not think the gentleman catches the point of the question. Is it intended that the 150 Members shall sign both?

Mr. CRISP. I do not think the committee means that.

Mr. MORGAN. Then the language should be corrected.

Mr. CRISP. I do not think the committee means that, but let the chairman answer for himself.

Mr. MORGAN. It states in line 25 "after 150 Members have signed the motion and duplicate."

Mr. SNELL. Mr. Speaker, if the gentleman will permit, I stated in my original statement that it was not intended to

sign both, but if they had 150 names on either one or both together it would be satisfactory, and we will try to make that language plain to-morrow.

Mr. MORGAN. In other words, the gentleman expects to amend the language?

Mr. SNELL. We expect to amend it in that respect.

Mr. CRISP. Mr. Speaker, I have trespassed upon your time longer than I intended, but I am sure you all know the reason. I could not make the logical argument to you that I had hoped to make. I had rather fixed views and I preferred to present them in a logical way, but with the interruptions that have occurred it was impossible, and yet I do not know but that it is better in the long run, because I have answered frankly to the best of my ability all questions that have been propounded. I have been open and frank, and in conclusion I will say that if you adopt this rule you will have a live, workable motion for discharge, and that a majority can do business. [Applause.]

MESSAGES FROM THE PRESIDENT.

The SPEAKER laid before the House the following messages from the President.

The Clerk read as follows:

SAMUEL RICHARDSON.

To the Senate and House of Representatives:

I transmit herewith a report respecting a claim against the United States presented by the British Government for the death on November 1, 1921, at Consuelo, Dominican Republic, of Samuel Richardson, a British subject, as a result of a bullet wound inflicted presumably by a member or members of the United States Marine Corps, with a request that the recommendation of the Acting Secretary of the Navy as indicated therein be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity as suggested by the Acting Secretary of the Navy.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $1,000.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

The SPEAKER. Referred to the Committee on Foreign Affairs.

The Clerk read as follows:

INTERNATIONAL STATISTICAL BUREAU AT THE HAGUE.

To the Senate and House of Representatives:

I invite the attention of Congress to the accompanying report of the Secretary of State concerning legislation that will enable the United States to maintain a membership in the International Statistical Bureau at The Hague.

The Secretary of Commerce attaches much importance to the work of this bureau and upon United States membership therein. I therefore recommend the enactment of the legislation suggested by the Secretary of State as in the public interest.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

The SPEAKER. Referred to the Committee on Foreign Affairs.

The Clerk read as follows:

ALIEN PROPERTY CUSTODIAN.

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian, submitting his annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 14, 1924.*

The SPEAKER. Referred to the Committee on Interstate and Foreign Commerce and, with the accompanying document, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent (at the request of Mr. WILSON of Louisiana) Mr. LAZARO was granted leave of absence for one week, on account of important business.

Mr. DUPRÉ was granted leave of absence for one week, on account of important business.

EXTENSION OF REMARKS.

Mr. ALMON. Mr. Speaker, I ask unanimous consent that I be given five days from this day in which to revise and extend remarks I made last Thursday in connection with the disposal of Muscle Shoals.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SNELL. Reserving the right to object, is it the gentleman's own remarks?

Mr. GARNER of Texas. My own remarks, statistics explaining the tax question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

STATISTICS EXPLAINING THE TAX QUESTION.

Mr. GARNER of Texas. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD I insert the following:

Table showing numerical comparison of taxpayers, by States, for 1921, the latest available statistics from the Treasury Department.

[The first column of figures represents the number of persons in each State who paid Federal taxes in 1921; the second column represents those who will receive a greater reduction in their taxes under the Democratic plan than under the Mellon plan; and the third column represents those who will receive a greater reduction in their taxes under the Mellon plan than under the Democratic plan.]

State.	(1)	(2)	(3)
Alabama	43,009	42,975	34
Arizona	18,477	18,476	1
Arkansas	33,830	33,820	10
California	386,082	385,647	435
Colorado	69,676	69,636	40
Connecticut	123,269	123,096	173
Delaware	15,889	15,872	17
District of Columbia	89,966	89,864	102
Florida	42,249	42,221	28
Georgia	67,719	67,671	48
Hawaii	11,481	11,451	30
Idaho	22,976	22,974	2
Illinois	611,558	610,703	855
Indiana	150,300	150,216	84
Iowa	111,483	111,441	42
Kansas	88,785	88,770	15
Kentucky	69,496	69,451	45
Louisiana	67,960	67,911	49
Maine	44,397	44,355	42
Maryland	112,963	112,787	176
Massachusetts	388,442	387,693	749
Michigan	250,147	249,883	264
Minnesota	124,501	124,370	131
Mississippi	25,614	25,606	8
Missouri	172,519	172,350	169
Montana	36,907	36,903	4
Nebraska	71,853	71,832	21
Nevada	9,719	9,717	2
New Hampshire	32,410	32,386	24
New Jersey	269,096	268,692	404
New Mexico	11,780	11,778	2
New York	1,066,637	1,063,606	3,031
North Carolina	44,161	44,109	52
North Dakota	18,440	18,439	1
Ohio	367,096	366,657	439
Oklahoma	69,381	69,349	32
Oregon	62,804	62,776	28
Pennsylvania	621,103	619,885	1,218
Rhode Island	48,057	47,919	138
South Carolina	25,160	25,149	11
South Dakota	21,681	21,680	1
Tennessee	60,949	60,919	30
Texas	200,188	200,084	104
Utah	26,128	26,125	3
Vermont	17,746	17,732	14
Virginia	76,257	76,225	32
Washington (Alaska)	115,688	115,659	29
West Virginia	75,277	75,215	62
Wisconsin	148,457	148,350	107
Wyoming	22,413	22,408	5
Total	6,662,176	6,652,833	9,343

THE HOUSE RULES.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the resolution pending.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Speaker, under the permission granted to extend my remarks, I desire to print the speech of the Hon. Swagar Sherley, of Kentucky, delivered in the House on March 31, 1910, proposing an amendment to the rules:

Mr. SHERLEY. Mr. Chairman, I shall violate a rule heretofore observed by me in now taking advantage of general debate to speak about a matter not involved in the consideration of the pending bill, but inasmuch as the matter is to my mind of first importance, and I desire Members to be thoroughly familiar with the position I shall take

before proceeding to bring it to the House for action, I take advantage of the liberality of general debate to discuss an amendment that I have offered to the rules of the House. I have never been one of those extreme critics of the rules who believe that they are the embodiment of all evil; neither do I belong to that class of men who see in them the perfection of parliamentary procedure. Somewhere between the two extremes of those positions it seems to me lies the truth as to the rules of the House. They have but recently been the cause of a conflict in many ways the most memorable that the country has witnessed in years, and I for one would not desire in any way to minimize the importance of the victory then achieved in behalf of the freedom of the House. That victory from the standpoint of the moral effect that it has had, if from no other, is a very great victory. [Applause on the Democratic side.]

It has demonstrated that a majority of the House can free itself from the tyranny of the rules and give expression to its will. But now that the tumult and the shouting dies, it is apparent that if we are to obtain full benefit of this moral victory we must go on to a reform more vital than the change in the number and manner of selection of the members of the Committee on Rules. I for one do not believe that you can ever change the vice of a system by changing the personnel of those called upon to administer that system. If the present rules of the House are as faulty as claimed, they can not be remedied simply by changing the personnel of committees. Your Committee on Rules does not become an ideal committee by taking the Speaker or any other person off that committee and putting other men thereon. It does not become an ideal committee by changing its number from 5 to 10, or any other number. It may be that particular relief may be had at a particular time by a change of personnel. It may be that one man or one group of men will be more responsive to the wishes of the House than another man or another group of men; but it must always remain that, if that committee has within its power opportunity to deny to the House its real rights, it may at some future day exercise that power just as tyrannically as it may have been exercised in the past, and I for one like no more 10 masters than I like 5 or like 1. Now, the justification of the Rules Committee—and it is the real political committee of the House—in a body composed of many Members, dealing with many subject-matters, is the need of clearing the legislative track for those matters that are considered of primal importance by those charged with responsibility in the House. So far as it performs that function it earns and deserves its place in the organization of the House; but the Rules Committee, when it fails to operate, leaves this House in this singular position, that under an orderly procedure of the House to-day there is no way for a majority of its membership to bring forth for consideration and action some matter if the committee to which it has been referred is opposed to that matter and the Committee on Rules is also opposed to it. Take any particular bill. Take the parcels-post bill as an illustration.

If to-day a majority of the House desired to bring forward a parcels-post bill—to discharge the Committee on the Post Office and Post Roads from the consideration of that measure and to make it a special order—there is no way that I know of under the rules of the House by which it can be done in the absence of a special rule brought in by the Committee on Rules, and if the Committee on Rules happens to be of the same opinion, we will say, as the Committee on the Post Office and Post Roads, of opposition to the measure, a majority in this House will wait in vain for an opportunity to bring it forward and put it upon its passage.

The gentleman from New York [Mr. FISH] some days ago placed his finger upon the one vital defect in the rules when he called attention to that situation. And I have proposed here a remedy that I believe will cure that fatal defect; and before I read the proposal and go into a discussion of its rather intricate terms I desire to answer the contention that is frequently made to any change in the rules, namely, that thereby you destroy party government. I for one am a believer in party government. I believe that the party in majority in the House of Representatives has been given by the people the responsibility for legislation, and, generally speaking, they, and they alone, should legislate. I desire no legerdemain by which a lesser number can outvote a greater number. But it is not necessary or right that the majority party should be so absolutely in control as to permit a majority of the majority to prevent legislation on any matter, notwithstanding a majority of actual Members in the House favor such legislation.

I have no particular criticism of a majority of a party that by a fair caucus binds its dissenting minority to a specific proposition and thereby retains its legislative majority, but I protest against a system of rules that enables a majority of a party to prevent members of that party, who are unwilling to be bound by a party caucus, from acting with a minority party to form a legislative majority and enact laws they believe to be necessary.

Now, if it were possible by the people at each election to determine all the questions that come here for consideration and settlement, I would have less objection, even, to that situation, because then, if a majority of the party in control saw fit in caucus or otherwise to have their party take a particular position, the people would have their remedy at the ensuing election, and if they did not agree with that position they might turn that party out of power. But it is not true that the remedy of the people at the polls is a complete remedy, and the reason it is not true is this pertinent fact. During my life I do not recall a single election strongly contested that ever settled more than one question at the time. Take any of the great fights between the two parties and you will find that the people expressed approval or disapproval of a particular party according as they viewed a single question the one or the other way. But when we come here to legislate there are many questions besides the one great question that the people have passed their verdict on, and it is not right that as to those questions—questions frequently, though they have in some particulars a partisan aspect, not really partisan—should be subject to the will of a majority, but a minority of the House.

We need not fear that by liberalizing the rules we shall destroy party government. The danger, rather, is that by slavish adherence to party we may deny the people's rights. The tendency of every Member is to determine all doubts in favor of party regularity, and as to those matters on which the people have spoken there will be no trouble in a majority party holding its strength and by caucus settling questions of detail. When men are not willing to be bound by caucus it will generally be found that the proposition is not one on which the opposing parties were at issue before the people or it is a time of party dissolution that no machinery of rules can prevent.

Now, I have provided by an addition to the rules that once a month the House itself shall in substance be a committee on rules, that it may then and there declare what it thinks ought to be brought forward and given precedence. And in order that I may have the committee understand the exact provisions of the resolution I shall now read it.

"There shall be a calendar designated as the 'Rules Calendar.' Any Member may, in writing, present to the Clerk a motion to discharge the Committee on Rules from further consideration of any resolution relating to a public bill or resolution that may have been referred to that committee six days prior thereto, and such motion shall be placed on said Rules Calendar. Upon the legislative day of the second Thursday of each month, immediately after the reading of the Journal, the motions printed on the Rules Calendar shall be read in the order of their presentation to the Clerk, and as each motion is read the Speaker shall appoint two tellers, one from the majority side of the House and one from the minority side of the House, and the question on seconding the motion shall at once be determined by a teller vote without intervening motion or debate. If a majority shall second the said motion there shall be five minutes' debate on a side, after which, without intervening motion, the question shall be taken upon the motion to discharge the Committee on Rules, and if the motion be decided in the affirmative the resolution shall be placed on the House Calendar with the same privilege as if the same had been reported by the Committee on Rules: *Provided, however,* That no bill or resolution privileged under the rules shall be called up on the legislative day of the second Thursday of any month until the House shall have acted on all motions on said Rules Calendar."

Now, the effect of that is this: A Member desires to get a particular measure up for consideration, either a matter now on the calendar which could not be reached in the ordinary way or a matter that is being pigeonholed in the committee. He presents to the Committee on Rules a resolution that upon the adoption of this resolution such and such a committee shall be discharged from further consideration of a given bill and that the same shall be made the special order at a given date if it be a bill that has not been reported, or if it be on the calendar, that on the adoption of this rule such bill shall be made the special order at a given time, or make whatever provision he sees fit in order to permit an early consideration and determination of that matter by the House.

It is immediately referred to the Committee on Rules. That committee not agreeing with his proposition, declines to report it. Under the present system he is at the end of his rope. He can only "cuss" the committee. Now, if this rule is adopted at the end of six days he instructs the Clerk to place upon the Rules Calendar a motion to discharge the Committee on Rules from further consideration of his resolution, and upon the legislative day of the second Thursday—and I make it the legislative day, in order, if the House desires, it may have plenty of time; it may recess and continue that legislative day—upon this legislative day, immediately upon the reading of the Journal, the Speaker calls the first of those motions that are upon the calendar.

Immediately, without debate, without the slightest delay of time, the motion to discharge the committee must be seconded by tellers. Now, the reason for that is this: You must have a quick method of disposing of matters of this kind if you would dispose of any number of them on this day. Not only is that true, but it is manifest that the ordinary procedure of the House ought not to be interrupted by this unusual process unless there is a real desire on the part of the membership of the House to proceed. If a majority of those present are not willing to second the motion; if the matter can not have strength sufficient to bring a majority to its support, then the time of the House

ought not to be wasted with speech making and unnecessary roll calls on the consideration of the matter, and it must fall back into the ruck and take its chances with the thousands of other things; but if the majority are willing to second the motion, then, immediately, there shall be five minutes' debate on a side on the motion to discharge the committee. That debate is limited also to prevent undue delay. It is assumed that if the proposition is of sufficient importance to have this House arrest the ordinary procedure and make it preferential it is a matter sufficiently known to the membership to warrant the House in having an opinion as to whether it is willing to go any further.

Mr. CLARK of Missouri. If the gentleman will permit me, I want to ask him two questions for information. Does this rule look simply to the discharge of the Committee on Rules from the consideration of the bill, or does it go to the discharge of the Post Office Committee, that you cited, at the same time?

Mr. SHERLEY. It does both; but one first and then the other, as the result of the other discharge.

Mr. CLARK of Missouri. Another question: Do you think five minutes' debate is sufficient?

Mr. SHERLEY. I think if the gentleman will permit me to follow my explanation he will receive an answer to that question.

Mr. HAYES. Will the gentleman yield to a question?

Mr. SHERLEY. I should like to go on for a minute or two, and then I will be glad to yield to any gentleman.

After five minutes' debate is had on the motion to discharge the committee—not to adopt the resolution, but to discharge the committee—a vote shall then be had. That vote can be taken by roll call, if it becomes necessary, and then you get a record vote.

Now, if the majority of the House agrees to the motion to discharge, the resolution is not thereby adopted, but the resolution is then placed upon the House Calendar, with the same privilege it would have had if it had been reported by the Committee on Rules. In other words, it has the very highest privilege. It gives to the House the same power to bring up that matter that 10 members of the Committee on Rules now have.

Now, I provide that on this second Thursday neither the Committee on Rules, nor the Committee on Appropriations, nor any other committee shall call up a bill so long as there is anything on the Rules Calendar undisposed of, the reason for that being apparent; otherwise, the moment you got the Committee on Rules discharged from consideration of a particular resolution the man who was the propounder of the resolution or any Member who was advocating it might immediately bring it to the consideration of the House under the high privilege it would have and thus cut off any opportunity to have other motions to discharge brought up.

So I have provided that during that legislative day such privileged matters would not be in order if there be any motion to discharge on the Rules Calendar which is undisposed of. But the next day the gentleman who has offered the resolution from which the Committee on Rules has been discharged could rise in his place, as we have often seen the distinguished gentleman from Pennsylvania [Mr. Dalzell] rise in his, and say: "Mr. Speaker, I call up a privileged resolution." He could then move the previous question upon that privileged resolution; and in that event, under the rules of the House, there having been no debate upon the privileged resolution, if the previous question be ordered, there would be 20 minutes' debate on a side and a vote would then come on the adoption of the resolution. Or, if the gentleman sees fit, he could enter into a discussion of the resolution, and is entitled to an hour, and he could then move the previous question; and if it be adopted, the question then comes upon the adoption of the resolution; or he could yield the floor and let some one else take it. On that day the conditions will be no different from the situation which confronts the gentleman from Pennsylvania when he presents a privileged report from the Committee on Rules. The resolution which is finally adopted may have provided anything that the mover of it saw fit to provide and which the House has agreed to. This brings me directly to an answer of the question of the gentleman from Missouri.

Suppose I want to get any particular bill from any committee. There is some bill in the Judiciary Committee that I know is not going to be reported from that committee. I desire to get that up, and believe that a majority of this House are with me on that proposition.

I provide in my resolution that goes to the Committee on Rules that upon its adoption the Judiciary Committee shall be immediately discharged from further consideration of that bill and that the House shall go into Committee of the Whole for the consideration of the bill, if it requires consideration in Committee of the Whole; that general debate of such a length of time shall be had upon it, after which the bill shall be read for amendment; and then at a given hour the bill shall be reported back with amendments to the House, which shall immediately proceed to the consideration and final disposition of the bill without intervening motion. That might be a rather drastic rule. It might resemble very much some of the rules which my distinguished friend from Pennsylvania [Mr. Dalzell] has offered in this House, but that would be entirely within the control of the man who drafts the resolution. If I do not want to go that far, or do not think that the matter is of sufficient importance for the House to go that far, I can simply provide in my resolution that the Committee on the Judiciary shall be discharged from further consideration of the bill and that it shall be placed on its appropriate calendar, and then, after the discharge of the Committee on the Judiciary and the adoption of the resolution, the bill would be reached like other bills that are reported out of a committee. This, in effect, as I stated in the beginning, gives to the House all of the great powers of the Committee on Rules once a month and enables a majority of this body to put its hand upon any piece of legislation that it sees fit, drag it out from the committee that has undertaken to smother it, and give it the light of day and put it upon its passage, either for adoption or for defeat. [Applause.]

Mr. KEIFER. Mr. Chairman, I should like to have the gentleman state whether there is anything in the proposed rule to take a bill off the calendar to which it has gone, where it rests as in a graveyard.

Mr. SHERLEY. Unquestionably. All you have to do then is to provide in your resolution that such and such a bill on any calendar shall be made a special order on a given day. There is absolutely no incident or circumstance of which I can conceive, no action that the House may desire to take upon a particular piece of legislation, that it can not by this process bring about.

Mr. KEIFER. I understood from the gentleman's remarks that he was dealing only with bills not reported out of committee.

Mr. SHERLEY. Not necessarily. I provide that any resolution dealing with a public resolution or bill may be so considered. This does not relate to private bills, because it is manifest that we ought not stop the machinery of the House in order to deal with a private matter. That can take care of itself, either on the Unanimous-Consent Calendar or on the suspension of the rules.

Mr. HAYES. Does not the gentleman think that by permitting one Member of the House to make the request which his rule provides for, the number of requests would be so great as to defeat the very purpose of his proposed rule?

Mr. SHERLEY. I do not; and I know of no way by which you can cure the tyranny of the rules that makes a man's right dependent upon some one else. I want the right of recognition under this rule to rest not with any man or combination of men. I offer my resolution. It goes to the Committee on Rules. They see fit to pigeonhole it. I then rise upon the Rules Calendar day, and it is not a matter of grace, but the Speaker, as a matter of right, recognizes me because mine is the first motion upon the calendar. If there be many motions there, if the House does not desire to consider mine, or likes some other motion in preference, all it has to do is, upon the question of seconding my motion to discharge the committee, to refuse to give me a majority, and that is the reason I provide that immediately when the motion is made the Speaker shall appoint two tellers and a second shall be had by a teller vote, without any intervening debate, a procedure that will not take over four or five minutes at the outside.

Mr. HAYES. Just one more suggestion. Does not the gentleman think that if any measure was worthy of the consideration of the House, even to the extent to which the rule provides, that at least, say, 25 or some definite number of Members could be obtained to request it, so that the time of the House should not be taken up by the request of every man on the floor of the House who has an idea which he desires to have considered?

Mr. SHERLEY. I think that matter will take care of itself. It might be at first that men would take up their hobbies and attempt in this way to bring them up, but after a few trials, after it became the settled policy of the House only to use this method in matters of moment, that would cease. I do not like the idea of petition. I do not like the idea of having a man frequently coerced into signing something that his own judgment may not commend to him. I want this action to be on his initiative, with the safeguard of requiring immediately a second in order to proceed. Now I yield to the gentleman from Pennsylvania [Mr. Olmstead].

Mr. OLMSTEAD. I want to ask the gentleman if we should have such a Rule Calendar as he proposes, whereby any Member after five minutes' debate can have a vote, what is the use of having a Rules Committee?

Mr. SHERLEY. There is a good deal of use. The Rules Committee will attend to those matters that are directly of party importance, and will be able to act very much quicker than my process permits of, because here is not only the delay before you can notify the Clerk, but there is only one day a month upon which you can call the matter up, whereas the Rules Committee can act immediately and frequently.

Now, you might reverse the question and it would raise an interesting proposition. If the Rules Committee was really always responsive to the House there would be no need of my suggested amendment. But it is on the theory that it will not always be responsive to the majority of the House that I have proposed it.

Mr. OLMSTED. Does the gentleman presume that a committee elected by the House will not be responsive to the House?

Mr. SHERLEY. I do. I do not think you can change the color or disposition of men simply by changing the method by which they receive their power. I have never found that when a man got his power one way he was any less apt to use it fully than when he got it another

way. I do not believe, as I said awhile ago, that you can change a bad system by changing the personnel, and to say that 10 men will always be responsive to this House is to say that which I do not believe the past history of the House warrants.

Mr. GREENE. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. GREENE. Suppose a case of this kind: Suppose there were 50 bills of one nature before a committee and the committee had reported no one of the 50 bills; suppose it required, in addition to the committee reporting favorably upon a bill, an appropriation to make the bill effective. Would not a member of the Committee on Appropriations, who had the bill pending before it, have great advantage over any ordinary man not on the committee in having the bill come before his committee for consideration and have it reported out because he was interested in having the bill made effective?

Mr. SHERLEY. I do not see that that situation is affected by my rule one way or the other.

Mr. GREENE. I know during the past year that a certain bill in a committee of which I was chairman was reported out from the committee. It carried no appropriation, but it was reported to accommodate a member of the Committee on Appropriations. That bill was made effective and carried into law, but we were not able to get any more because the Appropriations Committee did not favor it.

Mr. SHERLEY. In my judgment this rule does not touch that matter at all. Let me say this to the whole membership: Neither this rule nor any other ever devised by man is going to make a perfect system of procedure in this House. The day will never come when some man will not have more power than others; the day will never come when favoritism will not sometimes be shown to one man as against another. The day will never come when brains and capacity will not have its reward as against indolence and lack of ability. I for one do not desire such a Utopian condition. All I am providing for is the unusual situation of the House. I do not believe that this body is as bad as has sometimes been represented. As to the ordinary matters I think most of us receive pretty fair treatment. Some of us have had to be left in the multitude of matters being considered and numerous men making demands for consideration. What I propose here is that when the House has determined in favor of a matter against the wishes of a majority of the majority, because that is the time when you find conditions that this rule provides for, there shall be a method whereby this actual majority of the membership can have the shackles stricken from it that are now binding it and override the rule of a majority of the majority.

Mr. GARRETT. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. GARRETT. As a matter of detail, your rule provides for tellers both on the motion and a second, but as a matter of fact you can not by rule confine it to a teller vote.

Mr. SHERLEY. I do not agree with the gentleman. It provides for a teller vote only on the seconding of the motion, and as to that I think you can constitutionally so provide. It is, of course, apparent that you can not deprive the House of a constitutional right to a roll call upon a proposition, but before the motion to discharge the committee ever comes before the House, in the sense of being a proposition upon which a roll call could be demanded as a matter of constitutional right it must be seconded by a majority of the House. We have had the same thing happen here frequently.

A man moves to suspend the rules and some one immediately says, "Mr. Speaker, I demand a second." Usually the mover for suspension than says, "I ask unanimous consent that a second may be considered as ordered," and we acquiesce; but if a man does not want to acquiesce in that, he objects, and immediately the question is upon a second, and we use the teller vote; and if the second is not ordered, the motion to suspend the rules falls to the ground.

Mr. GARRETT. I know that is the custom, and I do not remember to have ever witnessed a roll call on the question of seconding; but I have been under the impression all along that that could be had as a constitutional right.

Mr. SHERLEY. I think not, because I do not think there is a substantive proposition before the House upon which the constitutional right could be invoked. In point of fact, this question has long been settled by the practice of the House.

Mr. MCCALL. Mr. Chairman, the gentleman has given the House something worth thinking about, as he always does when he addresses the House. What I wish to know is whether the gentleman's rule makes provision as to calling up a matter again if the House has once refused to give it priority?

Mr. SHERLEY. It does not. I would think that under general parliamentary law the House, having refused in this form and way to consider the matter, it could not come up again. Certainly, if it had refused on a vote, it should not come up again. Whether, if it had just refused to second it, it could come up again is another matter. It may be as the gentleman's question suggests, that there should be a provision preventing a matter being brought up again.

I am not claiming perfection for this proposed rule, but I have taken this method purposely that gentlemen here might present questions that might not have occurred to my mind, so that when I did ask for consideration of it by the Committee on Rules, and if refused there subsequently ask it as a matter of right, the House would be informed as to my purpose. I have tried conscientiously to present to this House a rule that I for one am willing to live under as a minority Member and am also willing to live under as a majority Member, and that, to my mind, ought to be the test of every proposition to amend the rules of this House. I ask nothing as a minority Member that I would not want the gentlemen on that side of the aisle to have, when we come into the majority, as I think we shall shortly. [Applause on the Democratic side.]

Mr. WEEKS. At what time in the session does the gentleman think the House would conclude that a committee was smothering a bill?

Mr. SHERLEY. That would depend somewhat on the character of the bill and perhaps something on the character of the committee. I will say this to the gentleman. We all know that there have been various bills before committees year after year that have not been acted upon. It may be those bills are not entitled to be considered. That is a question about which men differ, but it is perfectly apparent to the minds of Members that as to some bills I could name the committee having them in charge will not report them, if its personnel remains the same, until the crack of doom.

Mr. WEEKS. Suppose on the 10th day of next December a bill which had been introduced on the 4th day of December had not been reported, does the gentleman think that a resolution to discharge the committee would be considered favorably by the House?

Mr. SHERLEY. I do not. I have enough respect for the membership of this House to believe that it will operate under this rule as under other rules, in good faith, and I am unable as a legislator ever to formulate any plan that is not predicated both on the honesty and the sincerity of the men who compose this body. If I believed that a majority of this body was either dishonest, cowardly, or demagogic, I would not be willing to give it any power, and would be in favor of abolishing the body in its entirety. I must proceed upon the premise of honesty and capacity in membership, and I am glad to say that seven years of experience in this House has warranted me in believing both in the capacity and the honesty of its membership.

Mr. WEEKS. I agree with the gentleman, when the House has had a sufficient time to form a conclusion, after a suitable debate, but only 10 minutes of debate are provided in this rule, and that it seems to me would not be a suitable time.

Mr. SHERLEY. Oh, but the gentleman has not gone far enough in the consideration of the rule. Ten minutes' debate is not upon the adoption of the rule, but it is simply upon discharging the Committee on Rules. Now, after you have discharged the Committee on Rules it does not necessarily follow, though it would be probable, but it does not necessarily follow that the resolution that has been taken from that committee will be adopted in the form in which it was introduced. What will happen will be that the next day that matter will come before this House in the same way that it would come if the chairman of the Committee on Rules had presented it. Then there will be opportunity for full debate and, if a majority of the House desires it, opportunity for amendment of the resolution.

Mr. CLARK of Missouri. Mr. Chairman, this is such a new proposition; now if it could work the way the gentleman from Kentucky states it; that you have these tellers and then you have five minutes on each side, and then you vote, we could work off one of them in about 20 minutes. Is there any way to prevent a constitutional number from demanding a roll call on your second proposition?

Mr. SHERLEY. There is no way of which I know, and I do not know that there ought to be a way; but even supposing you have a roll call, 40 minutes would be thus consumed, and about an hour would be consumed in the consideration of one matter. I have provided not simply for the second Thursday of each month, but I have provided for the legislative day of the second Thursday, and the difference is that if I had provided simply for the Thursday, at the expiration of that day the calendar would be gone for another month; but if the matter should be so unusual as to require more than a day's consideration, then it would be within the power of the majority of the House to recess the House and you would continue that legislative day. But I suggest to the gentleman from Missouri that this rule does not contemplate an easy method for getting up everything under the sun. For my part I do not believe that it ought to be easy to stop the whole machinery of the House of Representatives in order to take up some one matter out of its usual course. Generally speaking, the ordinary and orderly procedure of the House is essential if we are to do business, but what I want is in those cases of crisis and of emergency that we can bring a matter up in an authorized way. And when a day comes where parties are more or less disintegrated, where a political majority of the House is not necessarily the legislative majority, I want the will of the House to be expressed without having to have a revolution in order to get that expression. It ought not to be necessary to depose

a Speaker or to go through the extreme scenes we have recently gone through for a majority of this House to express its will on a proposition. I give you a method by which you can do it orderly and decently in due course.

Mr. KENDALL. Will the gentleman permit a question?

Mr. SHERLEY. I will.

Mr. KENDALL. Is there any provision in the present rules which will enable the House to amend the rules, provided the Committee on Rules is indisposed to that amendment, except the revolutionary method?

Mr. SHERLEY. Well, there is no provision in the rules now, but there is a parliamentary precedent that was made, of which the gentleman is aware——

Mr. KENDALL. I participated in that; but I wanted to ask another question, if the gentleman will yield?

Mr. SHERLEY. Certainly.

Mr. KENDALL. Is there any provision in the rules as they now exist which will enable the House to reassume control of a bill which has been referred to a committee that chooses to not report it, either adversely or favorably?

Mr. SHERLEY. I know of no provision except an indirect one. There is a method. If you can find a committee of this House that was favorable to a measure, not before that committee but before another committee, I am inclined to believe that a majority of that committee could authorize a member of the committee to come upon this floor and raise the question of the reference of a particular bill. For instance, the Committee on Military Affairs could come in and raise the question of the reference of a bill that had gone to the Committee on Naval Affairs, and then if a majority of the House was willing to back that committee up it could take the bill away from the Committee on Naval Affairs, carry it to its own committee, and report it and put it upon the calendar, and that is the only way I know of under the rules as they now exist.

Mr. OLMSTED. Will the gentleman yield to me for a question? I understood you to say in answer to the gentleman from Missouri [Mr. Clark] that an hour might be consumed in the consideration of one proposition.

Mr. SHERLEY. Yes.

Mr. OLMSTED. Suppose that the previous question were not ordered; then how much time might be consumed?

Mr. SHERLEY. Oh, but the gentleman is mistaking the question asked by the gentleman from Missouri. An hour could only be consumed—about an hour—on the motion to discharge the committee; but when it came the next day to the consideration of the rule that had been taken from the Committee on Rules, then it might consume as much time as the House chose to give to it by not voting the previous question.

Mr. OLMSTED. But your provision of one hour contemplates the ordering of the previous question after 40 minutes' debate?

Mr. SHERLEY. But the gentleman is confusing a motion to discharge the committee and the adoption of the resolution itself. I think, if the gentleman will permit me a moment——

Mr. OLMSTED. On the motion to discharge the committee you propose the previous question?

Mr. SHERLEY. I do not do anything of the kind. I provide that as soon as the House meets upon this Thursday, in the order of their presentation the motions to discharge the committee shall be taken up. As each one is called a second shall be had by tellers, and five minutes of debate on a side shall be had, and then the House shall vote on the motion to discharge the committee. Now, if it votes to discharge the committee, the resolution takes its place upon the House Calendar, with the same privileges it would have had if it had been reported by the Committee on Rules.

Mr. OLMSTED. Would not that afford a splendid opportunity for a filibuster? If a majority, political or legislative, puts such a rule on the calendar, calls it up, and debates it until doomsday——

Mr. SHERLEY. You can raise the question of consideration when it is called up.

Mr. OLMSTED. If the majority was filibustering, they would vote to consider it.

Mr. SHERLEY. There is no doubt of this proposition—that a majority of this House that is willing to stand together on all matters can prevent any legislation for any length of time.

Mr. COOPER of Wisconsin. Did the gentleman ever hear of a majority filibustering?

Mr. SHERLEY. We had an illustration of a majority of the majority, but a minority of the House, filibustering very recently.

Mr. COOPER of Wisconsin. I mean a majority of the House.

Mr. SHERLEY. No; because there is no reason for the majority to filibuster. The very statement of the proposition is the refutation of it. A majority of the House does not filibuster here, because being a majority it can determine the course of the House. Aside from this let me answer the broad question of the gentleman, to wit, "Would not this rule give opportunity for filibustering?" It would give no more opportunity for filibuster than would arise when the gentleman from Pennsylvania [Mr. Dalzell] presents a resolution that has come out from the Committee on Rules by a vote of that committee.

Mr. OLMSTED. It would give the cumulative opportunity, because it gives opportunity concerning bills which the Committee on Rules declined to report.

Mr. SHERLEY. Of course. The more matters you have up, the more matters you have to use time on. Beyond that I do not believe it would go, because I am not willing to assume, as the gentleman is, that a majority of the House is going to waste the time of the House. The majority that got the resolution out, and had overriden the Committee on Rules, and subsequently the other committee that had charge of the bill desired, would not be wanting to waste time. The trouble would be the other way, if anything. They would immediately be putting that matter on its road to enactment into law. There would not be the filibuster there, and the other side could not filibuster because of the right to move the previous question and to vote it up.

Mr. WEEKS. In reply further to the inquiry made by the gentleman from Iowa [Mr. Kendall] about getting consideration for a bill which the committee failed to report, does the gentleman from Kentucky [Mr. Sherley] recall the action that was taken when the Committee on Banking and Currency refused to vote on what was known as the Vreeland bill?

Mr. SHERLEY. I do not recall the details of it now.

Mr. WEEKS. Action was taken by the majority, and the bill was considered and passed.

Mr. SHERLEY. Oh, yes; now I recall the matter. What happened there was that the Committee on Rules brought the matter in. Now, I am not complaining of that situation. I admit that the Committee on Rules, a majority of that committee, representing a majority of this House, should have the right to clear the legislative track for any matter that it considers of primal importance, but I also insist when that committee declines to bring in any matters that a majority of the membership of this House wants, then that legislative majority ought to also have a way to clear the tracks and to put the matter forward for a vote and for enactment. That is the proposition involved here. This is not an attack on the Committee on Rules. It is based upon the recognition of the necessity for such a committee. I realize that you can not run this body without sometimes bringing in a special rule, taking a matter out of its ordinary course; and I am free to confess that if there has been an abuse in the past by the frequent use of the power, the abuse is due to the fact that men charged with the responsibility have been slothful and lazy about legislation. They have let the session drift on until certain matters that ought to have been presented early, in order to get consideration, had to be brought up by special rule. My criticism of the special rules of the House has rarely been because of the majority bringing the matter up for consideration. It has been because, by the terms of these special rules, you have frequently cut off both the opportunity for debate and that more important opportunity of amendment. That is my indictment of the special rules, and not the bringing the matter up out of its ordinary course.

Mr. DALZELL. I should like to ask the gentleman a question for information.

Mr. SHERLEY. Certainly.

Mr. DALZELL. I think I understand him up to this point. If I understand the gentleman, after he has taken the bill which is before some other committee out of the Committee on Rules, through his process, and get it on the calendar, it is privileged?

Mr. SHERLEY. No; the gentleman is mistaken. What I provide is simply this: That the resolution which I have taken from the Committee on Rules and which I put upon the House Calendar shall be privileged, and then when that resolution is adopted the House will have determined by the terms of the resolution what shall be done with the particular bill sought to be taken up.

Mr. DALZELL. Now, the bill that is taken from the committee and given a place on the calendar is not privileged, unless it is privileged under the rule?

Mr. SHERLEY. I think the gentleman is mistaken. Let me give a concrete illustration: I want to get up the parcels post bill. I send to the Committee on Rules a resolution that upon the adoption of this resolution the Committee on the Post Office and Post Roads shall be discharged from the further consideration of the parcels post bill, and the House upon the 20th of a given month shall proceed to the consideration of that bill, general debate shall be had for such a length of time, the bill shall then be read by sections for amendment, and at a given hour be reported from the committee, and the House immediately proceed with the consideration and final disposition of the bill without intervening motion. I have tried to draw the rule very much like those the gentleman is familiar with. That resolution goes to your Committee on Rules. A majority of that

committee is not in favor of it. After six days I notify the Clerk that I will upon this rule-calendar day move to discharge your committee.

When the House is assembled, immediately after the reading of the Journal the Speaker will direct the Clerk to read the first motion to discharge the committee, which, we will say, happens to be my motion. Thereupon a majority seconds the proposition. Then five minutes debate is had upon the motion to discharge your committee. That, again, is decided in the affirmative. That resolution then goes upon the House Calendar, with the same privilege it would have had if you had reported it from your committee.

Mr. DALZELL. In other words, you make the parcels post bill, in the case you give, a privileged bill?

Mr. SHERLEY. Not necessarily. I make my resolution provide that the parcels post bill shall come up for consideration at a certain time on a certain day, but not until the adoption of my resolution does the bill get its privilege.

Mr. DALZELL. When the resolution prevails.

Mr. MCCALL. Resolutions from the Committee on Rules can be called up at any time; and if this resolution is adopted, it can be called up in the same way as a resolution from the Committee on Rules.

Mr. SHERLEY. With one change in the gentleman's statement. The resolution has not been adopted by discharging the Committee on Rules, and that has led the gentleman into error again. Discharging the Committee on Rules simply brings the resolution out and gives it the privilege it would have had if it had been favorably reported.

Mr. MCCALL. And stands precisely like a resolution from the Committee on Rules.

Mr. SHERLEY. Absolutely.

Mr. MCCALL. Which can be called up at any time.

Mr. SHERLEY. At any time except on this day. What may be done with the bill to which it relates has to depend upon the action the House takes upon that resolution.

Of course, the resolution stands privileged. If the resolution is adopted it may, by its terms, make a particular bill privileged or it may not. It all depends on what you provide in the resolution.

Mr. BUTLER. Depending upon the language of the rule itself?

Mr. SHERLEY. Absolutely. You make it just as you want it. You can not state the proposition better than by saying that it gives to the House, through these different steps, the power once a month to be a committee on rules. And when that is done I do not care anything about the personnel of your Rules Committee.

Mr. KENDALL. But the bill to which the resolution related would not be privileged unless the House, in adopting the resolution, made it privileged?

Mr. SHERLEY. Unquestionably; and when that resolution was up it could be amended or modified any way the majority of the House wanted it.

Mr. HAYES. So that its character would depend ultimately on the action of the House?

Mr. SHERLEY. Absolutely on the action of the House. It gives the majority control over every incident of legislation that I can conceive of, and that was its purpose exactly. Then, as I say, it makes immaterial the personnel of the Committee on Rules, aside from the value always of having men of talent and industry upon committees. It also makes immaterial, except in that regard, the personnel of your other committees of the House. You do not need to elect the committees of the House in order to make them responsive to the House, when the House can take matters away from those committees and deal with them itself. That, instead of the election of committees, is my remedy. You put power here on the floor really, and you have not made it dependent upon whether a caucus or a logrolling scheme happens to elect certain men who will be responsive to the majority will of the House.

I have never been one of those who favored the election of committees. I do not favor it now, because I believe whatever may be the worth of such a method in a body like the Senate, very much smaller in numbers than here, in a body composed of 391 men you present possibilities of combination and logrolling that will give you a worse system than comes by virtue of appointment of committees by the Speaker. If a Speaker of the House of Representatives abuses his power, you have at least this advantage: He is in the white light and you can hold him responsible. But when you diffuse among many men the responsibility for a condition you make none of those men responsible for it. And you make possible geographical control of the House of Representatives that would be full of peril to the country. A House might be so constituted politically that a certain small section geographically would control, through caucus action, the selection of members on all important committees. At a time of tariff legislation the temptation to such action would be tremendous and the results far-reaching and disastrous. When we elect a Speaker of the House by the votes of this side I, for one, want to see him name the committees. And then I want to have rules sufficient to give to a legislative majority the power to do business in spite of those committees, if necessary.

Now, Mr. Chairman, I have delayed the committee for perhaps longer than I should. If I have served by these remarks to awaken a discussion upon the proposition which I offer, I shall consider my time not wasted. I believe there is contained in this resolution, whether its terms need modification or not, the germ of freedom for the membership of this House, and a freedom that will not be license, a freedom that will be properly safeguarded and regulated, and will enable us to continue to transact the business of the Nation and to express the will of those who sent us here. [Applause.]

ADJOURNMENT.

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Will the gentleman withhold that for a moment?

Mr. SNELL. I will withhold it.

Mr. GARRETT of Tennessee. I suppose it is understood that this will be proceeded with to-morrow?

Mr. SNELL. Yes; this is the unfinished business to-morrow. I move that the House do now adjourn.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 15, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

280. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation "To authorize the Secretary of the Navy to proceed with the construction of certain public works"; to the Committee on Naval Affairs.

281. A letter from the vice president of the Georgetown Barge, Dock, Elevator & Railway Co., transmitting annual report of the Georgetown Barge, Dock, Elevator & Railway Co.; to the Committee on the District of Columbia.

282. A communication from the President of the United States, transmitting communications from the Treasury Department under dates of December 14 and 22, 1923, and January 8, 1924, submitting claims in the sum of $709.32, which have been adjusted and which require an appropriation for their payment (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VAILE: A bill (H. R. 5415) to amend sections 102, 211, 245, and 312 of the Criminal Code and section 305, paragraphs (a) and (b), of the tariff act of 1922, and to make certain acts unlawful and to provide a penalty therefor; to the Committee on the Judiciary.

By Mr. SNYDER: A bill (H. R. 5416) to authorize the setting aside of certain tribal lands within the Quinaielt Indian Reservation in Washington, for lighthouse purposes; to the Committee on Indian Affairs.

By Mr. JOST: A bill (H. R. 5417) authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost, of establishing a national military park in and about Kansas City, Mo., commemorative of the battle of Westport, October 23, 1864; to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 5418) to deport certain undesirable aliens and to deny readmission to those deported; to the Committee on Immigration and Naturalization.

By Mr. DYER: A bill (H. R. 5419) requiring printing of records done under supervision of clerks of the United States courts to be let annually upon competitive bids; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 5421) to relieve United States district judges from signing an order admitting, denying, or dismissing each petition for naturalization; to the Committee on the Judiciary.

Also, a bill (H. R. 5422) to provide for reporting and accounting of fines, fees, forfeitures, and penalties and all other moneys paid to or received by clerks of United States courts; to the Committee on the Judiciary.

Also, a bill (H. R. 5423) to amend section 2 of the act of August 1, 1888 (25 Stat. L. 357); to the Committee on the Judiciary.

Also, a bill (H. R. 5424) to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners; to the Committee on the Judiciary.

Also, a bill (H. R. 5425) to provide for the disposition of moneys paid to or received by any official as a bribe which may be used as evidence in any case growing out of any such transaction; to the Committee on the Judiciary.

Also, a bill (H. R. 5426) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved by the President July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. HUDDLESTON: A bill (H. R. 5427) to repeal section 15a of the interstate commerce act and to restore rates, fares, and charges authorized prior to increases effective August 26, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 5428) to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings; to the Committee on the Judiciary.

Also, a bill (H. R. 5429) to amend section 1 of the act of June 4, 1920 (41 Stat. L. 750), and to provide fees for executing applications for passports and for issuing the same; to the Committee on Foreign Affairs.

By Mr. O'SULLIVAN: A bill (H. R. 5430) to provide for the purchase of a site and the erection of a post office thereon at Winsted, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 5431) to provide for the purchase of a site and the erection of a public building thereon at Crete, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5432) to provide for the purchase of a site and the erection of a public building thereon at Wymore, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. CABLE: A bill (H. R. 5433) providing for the purchase of a site for the United States post office at Troy, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. MacGREGOR: A bill (H. R. 5434) to provide for the construction of a public bridge across the Niagara River; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of West Virginia: Resolution (H. Res. 149) requesting the Secretary of the Navy to furnish to the House of Representatives information of all necessary plans for the contemplated flight of the *Shenandoah* to the north polar regions; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 5435) granting an increase of pension to Rachel Henderson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 5436) granting a pension to Sarah R. Vanlandingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5437) for the relief of Robert Wheeler; to the Committee on War Claims.

Also, a bill (H. R. 5438) granting a pension to Alexander Sweeney; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 5439) for the relief of Roland Zolesky; to the Committee on Claims.

By Mr. CABLE: A bill (H. R. 5440) granting an increase of pension to Scott Fitzgerald; to the Committee on Pensions.

Also, a bill (H. R. 5441) granting a pension to Ludwig Wertsch; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 5442) for the relief of C. G. Thomas; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 5443) granting an increase of pension to Catharine Strauser; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 5444) to provide for an examination and survey of Scotts Creek, Portsmouth, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5445) to provide for an examination and survey of the Western Branch of Elizabeth River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5446) to provide for an examination and survey of the Nansemond River, Va., including the Western Branch thereof; to the Committee on Rivers and Harbors.

By Mr. DYER: A bill (H. R. 5447) granting a pension to Benjamin Ratliff; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal; to the Committee on Claims.

By Mr. FENN: A bill (H. R. 5449) authorizing the Secretary of War to donate to the town of Wethersfield, State of Connecticut, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5450) authorizing the Secretary of War to donate to the town of Plainville, State of Connecticut, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 5451) granting a pension to William Bahr; to the Committee on Pensions.

By Mr. HOWARD of Oklahoma: A bill (H. R. 5452) for the relief of Charles A. Banbury; to the Committee on the Post Office and Post Roads.

By Mr. JARRETT: A bill (H. R. 5453) for the relief of Fred R. Nugent; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 5454) granting an increase of pension to Jacob H. Martz; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 5455) granting an increase of pension to Sarrah J. Barry; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 5456) granting six months' pay to Lucy B. Knox; to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 5457) for the relief of William Mansfield; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 5458) granting a pension to Mary S. Arnett; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 5459) for the relief of the estate of Jarib L. Sanderson, deceased; to the Committee on Claims.

Also, a bill (H. R. 5460) granting a pension to Christena Lash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5461) granting a pension to Ellenor J. Thorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5462) granting a pension to Joseph Hensel; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 5463) granting a pension to Angeline Stafford; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 5464) to provide for an examination and survey of Holland Harbor, Ottawa County, Mich.; to the Committee on Rivers and Harbors.

By Mr. MILLER of Washington: A bill (H. R. 5465) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 5466) granting an increase of pension to Edward G. Williams; to the Committee on Pensions.

By Mr. O'SULLIVAN: A bill (H. R. 5467) for the relief of William B. Kirjassoff and David M. Kirjassoff; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 5468) granting an increase of pension to Joycy Waits; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 5469) granting a pension to Lucy DeGroff; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 5470) granting an increase of pension to Philia R. Friesner; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 5471) for the relief of Ann Eliza Linton; to the Committee on Claims.

By Mr. WELSH: A bill (H. R. 5472) authorizing the United States Employees Compensation Commission to take jurisdiction of the application of Pearl Mason; to the Committee on Claims.

By Mr. WILLIAMS of Michigan: A bill (H. R. 5473) granting a pension to Welthey A. Clement; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 5474) granting a pension to Lewis H. Tubbs, jr.; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

542. By the SPEAKER (by request): Petition of people of the first judicial division of Alaska, proposing an organic act for the Territory of South Alaska; to the Committee on the Territories.

543. By Mr. ABERNETHY: Petition of Mr. A. H. Edgerton, president Empire Manufacturing Co., Goldsboro, N. C., favoring reduction of taxation and opposing bonus legislation; to the Committee on Ways and Means.

544. By Mr. BEERS: Papers to accompany House bill 5357, granting a pension to David Middour; to the Committee on Invalid Pensions.

545. By Mr. CULLEN: Petition signed by 11 citizens of Brooklyn, N. Y., favoring the Mellon tax-reduction plan; to the Committee on Ways and Means.

546. Also, petition signed by a number of citizens, favoring the Mellon tax-reduction plan; to the Committee on Ways and Means.

547. By Mr. FULLER: Petition of the Illinois Society of Engineers, favoring appropriation for topographic mapping; to the Committee on Appropriations.

548. Also, petition of Frank H. Hayes and sundry other citizens of Morris, Ill., favoring reclassification and increase of salaries for post-office employees; to the Committee on the Post Office and Post Roads.

549. Also, petitions of the Illinois Chamber of Commerce; F. E. Royston & Co., of Aurora; F. W. Gebhard, of Morris; Frank Donnersberger, of Streator; Charles C. Russell, of Joliet; and sundry citizens of Chicago, all of the State of Illinois, favoring the Mellon plan for reducing the tax rates of the present revenue law; to the Committee on Ways and Means.

550. Also, petition of the Illinois Farmers' Institute, favoring the Purnell bill (H. R. 157) to authorize the more complete endowment of agricultural experiment stations; to the Committee on Agriculture.

551. Also, petition of the Retailers' National Council for a reduction of taxes all along the line so that all classes of taxpayers may enjoy equitable relief and so that at no point shall there be any increase of taxation; to the Committee on Ways and Means.

552. Also, petition of David Kinley, president of the University of Illinois, for legislation for carrying out the provisions of the Fourteenth Census act for taking an agricultural census in 1925; to the Committee on Agriculture.

553. Also, petitions of the National Rural Letter Carriers' Association for an equipment allowance, additional compensation, etc.; to the Committee on the Post Office and Post Roads.

554. By Mr. HUDSPETH: Petition of citizens of El Paso, Tex., favoring the policy of reducing taxes; to the Committee on Ways and Means.

555. By Mr. SINCLAIR: Petition of Van Hook National Farm Loan Association, Van Hook, N. Dak., urging relief for agriculture through the reestablishment of the United States Grain Corporation; to the Committee on Agriculture.

556. By Mr. WELSH: Petition of Philadelphia Chamber of Commerce, approving Chinese indemnity bill, joint resolution, Calendar No. 264, Senate Joint Resolution 85; to the Committee on Military Affairs.

SENATE.

TUESDAY, *January 15, 1924.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, it is by that endearing name we would know Thee. Thou dost come within the ken of our appreciation of higher things and enable us to look beyond in the fullness of a large assurance. And so as we deal with things temporal we want to be moved by the spirit of the eternal, knowing that higher things are best realized in our earthly sphere as we honor Thee and seek to glorify Thy name. Be with us this day, and when it closes may it be with the conciousness of Thine approval. Through Jesus Christ, our Lord. Amen.

On request of Mr. LODGE and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

PRINTING OF PRESIDENT'S MESSAGES AND ACCOMPANYING PAPERS.

Mr. LODGE. Mr. President, two messages came in yesterday from the President, one message with accompanying papers from the Secretary of State, concerning the International Statistical Bureau at The Hague, the other message transmitting a report from the Secretary of State respecting a claim against the United States. Both messages were properly referred by the Chair under the rule. It is the invariable custom when a treaty comes in that on motion, and the motion is always the same, the papers shall be printed in confidence and referred to the Committee on Foreign Relations. These messages and papers have not been printed. They ought to be printed for the use of the Senate and the Committee on Foreign Relations, of course without the injunction of secrecy. I ask that they may be printed, retaining their present reference.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

PRESERVATION OF ORIGINALS OF PRESIDENTIAL COMMUNICATIONS.

Mr. LODGE. Mr. President, in this connection I wish to call attention to a fact that I have recently discovered, that it is the custom at the Government Printing Office to destroy, after the lapse of a year, all papers sent to the office for printing. It seems to me that the original papers from the President, letters or messages, which happen to go for printing to the Printing Office should be kept in the files of the Senate and not destroyed.

I read to the Senate on the 27th of December, 1922, a very important letter from the President addressed to me as chairman of the Committee on Foreign Relations. It was quite a long letter in regard to the international conference. It was an important letter which I read first to the committee and then to the Senate, and it was printed in the RECORD. It was signed by the President himself and was a personal letter. I think that letter ought not to have been destroyed but should have remained with the files of the Senate, and that the originals of all communications from the President ought always to be preserved.

I do not know that it is necessary to make a motion in regard to it, but I hope the chairman of the Committee on Printing will take occasion to direct the head of the Government Printing Office to preserve the originals of all letters and other communications from the President which may go to his office for printing.

The PRESIDENT pro tempore. The Chair is of the opinion that it is not necessary to make a motion. It can be directed without a motion, and the direction is entered accordingly.

THE MELLON TAX PLAN.

Mr. ASHURST. Mr. President, I have here a letter in the form of a petition. I am of the opinion that letters from governors of States ought to be, as a matter of courtesy, no less a matter of policy, put in the CONGRESSIONAL RECORD, especially when such letters refer to pending legislation. I, therefore, at this juncture, will read a letter from the Governor of Arizona addressed to me. It is as follows:

EXECUTIVE OFFICE, STATE HOUSE,
Phoenix, Ariz., January 7, 1924.

MY DEAR MR. ASHURST: I am in receipt of a communication from an employee of the Arizona Eastern Railroad in Arizona, submitting several letters received by him and which are addressed to all of the agents of that railroad in the State.

Included among the documents is a copy of an editorial which appeared in the New York Herald of December 26, 1923, on the subject of the Mellon taxation plan and the soldiers' bonus. The editorial advocates the flooding by voters of the Congressmen and Senators with communications on the subject.

The letters from the Arizona Eastern to its agents instruct them to interview various business men and citizens in their communities—a list of names being submitted—and to urge that these citizens write the Congressman and Senators asking support for the Mellon plan, and the agents are requested to notify the vice president and general manager of the railroad that the letters have been written.

It appears that the agents have not been enthusiastic about the matter, and they have received letters and telegrams daily from either the president, vice president, general manager, or the superintendent, the latest message reading to the effect that not sufficient interest is being taken by agents and insisting that a better showing be made.

You will, therefore, understand that economic pressure is being applied by the railroad to compel the employees to indorse the Mellon taxation plan.

I am calling this to your attention for your information and such action as you may desire to take.

Very truly yours,

GEO. W. P. HUNT, *Governor.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.